CALIFORNIA DESERT LANDS

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California Desert Lands, Serial No....

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E THE

SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OF THE

COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 518

TO DESIGNATE CERTAIN LANDS IN THE CALIFORNIA DESERT AS WILDERNESS, TO ESTABLISH THE DEATH VALLEY AND JOSHUA TREE NATIONAL PARKS AND THE MOJAVE NATIONAL MONUMENT, AND FOR OTHER PURPOSES

H.R. 880

TO WITHDRAW CERTAIN FEDERAL LANDS IN THE STATE OF CALIFORNIA FOR MILITARY PURPOSES, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, DC
JUNE 15, 1993

Serial No. 103–31

Printed for the use of the Committee on Natural Resources

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H.R. 518, TO DESIGNATE CERTAIN LANDS IN THE CALIFORNIA DESERT AS WILDERNESS, TO ESTABLISH THE DEATH VALLEY AND JOSHUA TREE NATIONAL PARKS AND THE MOJAVE NATIONAL MONUMENT, AND FOR OTHER PURPOSES; AND

H.R. 880, TO WITHDRAW CERTAIN FEDERAL LANDS IN THE STATE OF CALIFORNIA FOR MILITARY PURPOSES, AND FOR OTHER PURPOSES

TUESDAY, JUNE 15, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL PARKS,
FORESTS AND PUBLIC LANDS,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to call, at 10:10 a.m., in room 1324, Longworth House Office Building, Hon. Bruce F. Vento (chairman of the subcommittee) presiding.

OPENING STATEMENT OF CHAIRMAN VENTO

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order.

As Members have been notified, we are meeting this morning for the hearing of two pending bills dealing with management of Federal lands in the desert region of California. The bills are H.R. 518 introduced on January 21 by our colleague from California, Congressman Lehman, and H.R. 880 which I introduced on February 4. Each of the bills is cosponsored by members of the committee, including Chairman Miller, and H.R. 518 has a number of other cosponsors as well.

[Texts of the bills, H.R. 518 and H.R. 880, follow:]

I

103D CONGRESS
1ST SESSION

H. R. 518

To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. LEHMAN (for himself, Mr. MILLER of California, Mr. VENTO, Mr. STARK, Mr. OWENS, Mr. OLVER, Mr. MFUME, Ms. PELOSI, Mr. MINETA, Mr. MCDERMOTT, Mr. BROWN of California, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. STOKES, Mr. DEFAZIO, Ms. MALONEY, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on Natural Resources

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A BILL

To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Desert Protection Act of 1993".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and

through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of west-

ern exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities

and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps, referenced herein, dated February 1986 (except as otherwise dated), are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated October 1991, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-two thousand six

hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-five thousand nine hundred and seventy acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand six hundred and forty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed",

dated October 1991, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be

known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighteen thousand six hundred acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Pro-

posed", dated May 1991, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", and which are hereby incorporated in, and which shall be

deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93–632 and 98–425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand three hundred acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Manage-

ment, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", and which shall be known as the Great Falls Basin Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilder-

ness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand and fifteen acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated October 1991, and which shall be known as the Indian Pass Wilderness.

(30) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand five hundred and fifty acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated October 1991, and which shall be known as the Jacumba Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah

Wilderness—Proposed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred forty-nine thousand and three hundred and sixty-eight acres, as generally depicted on two maps entitled "Kingston Range Wilderness—Proposed 2", dated October 1991, and "Kingston Range Wilderness—Proposed 4", dated January 1989, and two maps entitled "Kingston Range Wilderness—Proposed 1" and "Kingston Range Wilderness—Proposed 3", dated May 1991, and which shall be known as the Kingston Range Wilderness.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated October 1991, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(36) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise ap-

proximately thirty-six thousand four hundred and forty acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated October 1991, and which shall be known as the Little Picacho Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred and eighty acres, as generally depicted on a map entitled "Mecca Hills Wilder-

ness—Proposed", dated October 1991, and which shall be known as the Mecca Hills Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", and which shall be known as the Newberry Mountains Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and eighty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated May 1991, and which shall be known as the Nopah Range Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Manage-

ment, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1991 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Manage-

ment, which comprise approximately fifty-seven thousand five hundred acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Orocopia Mountains Wilderness.

(47) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", and which shall be known as the Pahrump Valley Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred

fourteen thousand one hundred and forty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated May 1991, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated February 1986, and which shall be known as the Palen/McCoy Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and twenty acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Palo Verde Mountains Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on

a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand eight hundred acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Piute Mountains Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(56) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.

(58) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Saddle Peak Hills Wilderness.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88–577 and 98–425.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-three thousand two hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated May 1991, and which are hereby incorporated in, and which shall be deemed to be a part of, the Santa Rosa Wilderness designated by Public Law 98–425.

(62) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand four hundred acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", and which shall be known as the Sawtooth Mountains Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley Wilderness—Proposed 1", dated October 1991, and "Sheephole Valley Wilderness—Proposed 2", dated February 1986, and which shall be known as the Sheephole Valley Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated October 1991, and which shall be known as the Slate Range Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Manage-

ment, which comprise approximately sixty-one thousand six hundred and thirty acres, as generally depicted on a map entitled "South Algodones Dunes Wilderness—Proposed", dated January 1989, and which shall be known as the South Algodones Dunes Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", and which shall be known as the South Nopah Range Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—

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Proposed", and which shall be known as the Stepladder Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", and which shall be known as the Sylvania Mountains Wilderness.

(71) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.

(72) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(73) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-five thousand three hundred acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Whipple Mountains Wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the

Secretary who has administrative jurisdiction over the area.

GRAZING

SEC. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96–560 (16 U.S.C. 133 note).

BUFFER ZONES

SEC. 105. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

MINING CLAIM VALIDITY REVIEW

SEC. 106. The Secretary of the Interior and the Secretary of Agriculture shall not approve any plan of operation prior to determining the validity of the unpatented

mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102.

FILING OF MAPS AND DESCRIPTIONS

SEC. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act, have been adequately studied for wilderness designa-

tion pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) Subject to valid existing rights, the Federal lands identified on maps as "Avawatz Mountains Wilderness—Proposed", dated May 1991; "South Avawatz Wilderness—Proposed", dated May 1991; and two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989, are hereby withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 109. In furtherance of the provisions of the Wilderness Act, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are

hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.

SUITABILITY REPORT

SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October

1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural

Resources and Merchant Marine and Fisheries of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natu-

ral, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated September 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall

be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

GRAZING

SEC. 207. The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons

holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary, acting through the Director of the National Park Service, may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of such livestock on such lands shall cease on July 1, 2016. Further, if such a permittee informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National

Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or

prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

WITHDRAWAL

SEC. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

UTILITY RIGHTS-OF-WAY

SEC. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement

activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or pat-

ented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV—MOJAVE NATIONAL MONUMENT

FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national park;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

ESTABLISHMENT OF THE MOJAVE NATIONAL MONUMENT

SEC. 402. There is hereby established the Mojave National Monument, comprising approximately one million four hundred and ninety-one thousand acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated May 1991, and ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated September 1991 or prior, which shall be on file and available for inspection in the offices of the Director of the National Park Service, Department of the Interior.

TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National

Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the monument designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS

SEC. 406. The Secretary shall administer the monument in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish

a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

WITHDRAWAL

SEC. 407. Subject to valid existing rights, Federal lands within the monument, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the monument and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

REGULATION OF MINING

SEC. 409. Subject to valid existing rights, all mining claims located within the monument shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with the protection of the scenic,

scientific, cultural and other resources of the monument, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

GRAZING

SEC. 410. The privilege of grazing domestic livestock on lands within the monument may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary, acting through the Director of the National Park Service, may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of such livestock on such lands shall cease on July 1, 2016. Further, if such a permittee informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the monument, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the monument and acquired as a priority

pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

UTILITY RIGHTS OF WAY

SEC. 411. (a)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, which is located on lands included in the Mojave National Monument, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on monument resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including

construction of a replacement transmission line: *Provided,* That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than 3 electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an

addition would reduce the impacts to monument resources,

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to monument resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on monument resources.

(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, which is located on lands included in the Mojave

National Monument, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on monument resources.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Monument, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on monument resources.

PREPARATION OF MANAGEMENT PLAN

SEC. 412. Within three years after the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the monument. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the monument. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the monument and shall be designed and located so as to maintain its primitive

nature of the area and to minimize the impairment of monument resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other monument-related development shall be located or provided for outside of the boundaries of the monument. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the monument. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

GRANITE MOUNTAINS NATURAL RESERVE

SEC. 413. (a) There is hereby designated the Granite Mountains Natural Reserve within the monument comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Nat-

ural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.

CONSTRUCTION OF VISITOR CENTER

SEC. 414. The Secretary is authorized to construct a visitor center in the monument for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the monument.

ACQUISITION OF LANDS

SEC. 415. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the monument by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the monument which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the monument which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the

owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the monument or which is otherwise incompatible with the purposes of this title.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred eighty-three thousand four hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated September 1991 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1991 or prior, and which shall be known as the Death Valley Wilderness;

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94–567; and

(3) Mojave National Monument Wilderness, comprising approximately six hundred ninety-five thousand fifty-six acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated October 1991 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated October 1991 or prior, and which shall be known as the Mojave Wilderness.

(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as de-

scribed in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may cor-

rect clerical and typographical errors in such maps and descriptions.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the

Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

LAND TENURE ADJUSTMENTS

SEC. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

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DISPOSAL PROHIBITION

SEC. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness, park, or monument designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness, park, or monument designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b) or any similar acts.

MANAGEMENT OF NEWLY ACQUIRED LANDS

SEC. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

NATIVE AMERICAN USES

SEC. 606. In recognition of the past use of the parks, monument, and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, monument, and wilderness areas by Indian people for such

traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, monument, or wilderness areas in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

WATER RIGHTS

SEC. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act

of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666; commonly referred to as the McCarran Amendment).

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

AUTHORIZATION OF APPROPRIATIONS

SEC. 608. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

STATE SCHOOL LANDS

SEC. 610. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or

more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) Within 6 months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:

(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:

(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.

(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.

(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—

(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and

(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.

(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.

(e) If exchanges of all of the State School Lands are not completed by October 1, 1996, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.

(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2000, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2000.

(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House

of Representatives and the Committee on Energy and Natural Resources of the Senate.

EXCHANGES

SEC. 611. (a) Upon request of the Catellus Development Corporation (hereafter in this section referred to as "Catellus"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of Catellus or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.

(b) Within six months after the date of enactment of this Act, the Secretary shall send to Catellus and to the Committees a list of the following:

(1) Lands of Catellus or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands, wherever located, under the Secretary's jurisdiction to be offered for exchange, in the following priority:

(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are

not currently under lease or producing Federal revenues.

(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.

(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of such land exchange agreements.

(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.

(3) Any report submitted to the Committees under this subsection shall include the following:

(A) A complete list and appraisal of the lands or interests in land proposed for exchange.

(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.

(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.

(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to Catellus for exchange in accordance with this section.

(e) On January 3, 1996, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all Catellus lands eligible for exchange under this section for which an exchange has not been completed. With respect to any of such lands for which an exchange has not been completed by October 1, 1996 (hereafter in this section referred to as "remaining lands"), the Secretary shall es-

tablish an account in the name of Catellus (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by Catellus to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.

(f) Catellus may use the credit in the exchange account to bid, as any other bidder, for any property real, personal, or mixed, wherever located, owned or controlled by the United States, including in a corporate capacity or as a receiver, conservator, or similar fiduciary capacity to be sold in accordance with the applicable laws and regulations of the Federal agency or instrumentality, or any element thereof, offering such property for sale. Upon approval by the Secretary in writing, the credits in Catellus's exchange account may be transferred or sold in whole or in part by Catellus to any other party, thereby vesting such party with all the rights formerly held by Catellus. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.

(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.

(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.

(3) This subsection does not apply to easements and rights-of-way for utilities or roads.

(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.

(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.

(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE VII—DEFINITIONS

DEFINITIONS

SEC. 701. For the purposes of this Act:

(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

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103D CONGRESS
1ST SESSION

H. R. 880

To withdraw certain Federal lands in the State of California for military purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. VENTO (for himself, Mr. LEHMAN, and Mr. MILLER of California) introduced the following bill; which was referred jointly to the Committees on Armed Services and Natural Resources

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A BILL

To withdraw certain Federal lands in the State of California for military purposes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "California Military Lands Withdrawal and Overflights Act of 1993".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for

the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 2. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map

specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 3.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this Act, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated November 1991 and filed in accordance with section 3.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(2) file maps and the legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the com-

manding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 4. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 2 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 2 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 2(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 2(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this Act.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this Act, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 2 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this Act.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 2 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such

fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 2) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 2 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 2.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 2 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this Act will be used for defense-related purposes other than those

specified in section 2. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 2(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this Act and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 2(a) and

any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 2(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 2(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 2(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated

geothermal resources on the lands withdrawn under section 2(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This Act shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 2(a).

SEC. 5. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this Act shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this Act for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of

1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this Act may not be extended or renewed except by an Act or joint resolution.

SEC. 6. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this Act, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this Act at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Nat-

ural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 7. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this Act, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section

2 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this Act, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Sec-

retary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this Act which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this Act the Secretary of the Interior determines that some of the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon

deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this Act as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 8. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this Act may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this Act may be delegated, except that an order described in section 7(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 9. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 10. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 2 of this Act.

SEC. 11. EL CENTRO RANGES.

The Secretary of the Interior is authorized to permit the Secretary of the Navy to use until January 1, 1994, the approximately 44,870 acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. Such use shall be consistent with such Memorandum of Understanding and such additional terms and conditions as the Secretary of the Interior may require in order to protect the natural, scientific, environmental, cultural, and other resources and values of such lands and to minimize the extent to which use of such

lands for military purposes impedes or restricts use of such or other public lands for other purposes. All military uses of such lands shall cease on January 1, 1994, unless authorized by subsequent Act of Congress.

SEC. 12. MILITARY OVERFLIGHTS.

(a) DISCLAIMER.—Nothing in this Act or the California Desert Protection Act of 1993 shall preclude low-level overflights by military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the new units of the National Park or National Wilderness Preservation Systems (or any additions to existing units of such Systems) designated by this Act or the California Desert Protection Act of 1993.

(b) MONITORING.—The Secretary of the Interior shall monitor the effects of aircraft overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act or the California Desert Protection Act of 1993, and on visitor enjoyment of such units. The Secretary of the Interior shall actively seek the assistance of the Secretary of Defense, consistent with national security needs, to resolve concerns related to such overflights and to prevent, eliminate, or minimize the dero-

gation of resources and values and of visitor enjoyment associated with overflight activities.

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Mr. VENTO. The principal measure here, H.R. 518, would designate certain lands in California as wilderness, including lands to be managed by the BLM and the National Park Service. It would also expand the National Park System by transferring to the National Park Service management of certain lands now managed by BLM and has other provisions as well. H.R. 880 would renew the withdrawal for military purposes of additional public lands in the California Desert that the Department of Defense has used for very important training and testing procedures.

Background information on the bills is before Members. The committee has an extensive record of public review and comment on the California Desert legislation, having held hearings in the last three Congresses, including three field hearings in California. Last Congress, the committee reported and the House passed legislation that is nearly identical to the bills before us today.

As Members have been advised, in recognition of Secretary Babbitt's presence and schedule, we will dispense with opening statements, and I will briefly recognize my colleague and ranking member, Mr. Hansen. Members wishing to make statements will be accorded the regular five minutes in questioning the Secretary and can utilize that time, which often is used, to make statements in any case, and I will recognize Members in the order of arrival, with the normal rotation that is used. We will recognize Members, incidentally, that wish to testify before the committee at 1 p.m. promptly this afternoon.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

I ask unanimous consent that Mr. Lewis and Mr. McCandless be permitted to sit with the subcommittee and participate in questioning the witnesses.

Mr. VENTO. Without objection. Hearing no objection, Mr. McCandless and Mr. Lewis, Members who represent the area affected, as well as others on the committee are given the privilege of sitting with the subcommittee.

Mr. Hansen, did you have any brief remarks this morning.

Mr. HANSEN. I think, in deference to the Secretary being here, I would rather hear from him than me, and I would look forward to hearing his remarks. I will enter mine later, if that is all right, Mr. Chairman.

Mr. VENTO. Mr. Secretary, we have sort of instituted this procedure. I know that you have been extraordinarily open to dialogue with many members of this committee and with the Congress, which is greatly appreciated, and we are very pleased, after the announcement yesterday, that you are still with us working to complete the aggressive agenda that you have set forth.

In any case, Mr. Secretary, all your statements and the statements of witnesses, without objection, in their entirety will be made part of the record as well as opening statements of the Members which they may want to submit for the record. Hearing no objection, it is so ordered.

Secretary Babbitt, you may proceed.

STATEMENT OF HON. BRUCE BABBITT, SECRETARY, DEPARTMENT OF THE INTERIOR

Secretary BABBITT. Mr. Chairman, it is a pleasure to be back, reconfirmed in my job, and I appreciate your letting me go forward. I do confess to a certain neglect of some of the details of my office for the last ten days, and I have a lot of things awaiting me.

I have a written statement. I think what I would like to do is just summarize on a more personal level some of my thoughts about this bill which, as you know, the Department and the Administration endorse in its broad provisions.

I took a trip out to the California Desert with Mr. Hastey, the State director of the Bureau of Land Management, over Easter weekend to have a look at this proposal and to see what effects it has on the ground. I reviewed the record of the hearings from the last several years, and my conclusion, based on the hearings and a personal trip and refreshing my feeling about the California Desert, going back in the process to read an extraordinary book written back in the 1920s called *Land of Little Rain*, one of the great classics of Western writing by Mary Austin, a bill devoted entirely to this region of the California Desert—I come back with a real sense of urgency and enthusiasm about the importance of this area and about the need for an added level of protection either through Monument or Park expansion and designation.

I saw particularly in the East Mojave some very urgent facts that I think underline the importance of this legislation. There are now some 15 million people living just to the west of this area in Southern California, and you can almost palpably sense this enormous urban agglomeration turning toward the out-of-doors, and you can see the intensity of the interest as it moves across the West Mojave out toward these areas.

When you combine the people pressures, the off-road uses, the delicacy of the desert, the problems being caused by a variety of mining interests, I think most lamentably the stripping of some of the cinder cones for common aggregate that is available anywhere and certainly not an appropriate use for this area, it underlines my sense that we must take a major step toward the designation and protection of this area.

A few thoughts about some of the specific issues in the bill. The Death Valley expansion, it seems to me, is undeniably warranted. The Saline Valley, the Panamint Areas, up to the north and west of the current boundaries of the Park, are so obviously a part of the ecosystem and the geologic basin and range structure of that area that it seems to me the only question is, why weren't they originally included, not why should they now be included.

The expansions at Joshua Tree have not drawn a great deal of controversy, and again it seems to me that if the heart of that particular Park is desert flora and the surrounding ecosystem, all you have to do is look and see that what we are doing is moving toward a broader and more logical definition of that boundary.

The East Mojave has obviously gotten a lot more discussion. What I have heard most often is, "Well, should the East Mojave really be a National Park considering that there is a Southern Pacific track right-of-way, that there is an old abandoned train station at Kelso, that there are some in-holdings, that there are

mines, including the Viceroy operation up on the Colorado River side?"

Looking and traveling across the East Mojave, down through Kelso Dunes, across through the New York Mountains and down through the Lanfair Valley, I don't think there is any question that this merits recognition as a National Park.

My thoughts turn back to 1919 when I was listening to those arguments because in 1919 when the bill to designate Grand Canyon National Park was before this body there were, in fact, objections raised that there were operating mines, in-holdings, roads, settlements, and even a railroad within the boundaries of what was subsequently to become Grand Canyon National Park. I do think there is a fair question of how to deal in the legislation itself with those realities, and I would like quickly to go through them.

The Viceroy mine has been excluded in the Senate version of the bill. I think that is a reasonable decision because the Viceroy mine is on the peripheral boundary. It is a large area with a great deal of surface disturbance, and I would think the discussion should probably be reduced to what are the boundaries of that exclusion.

The provisions for sheep management in the Old Dad Mountains and in these block fault mountains out on the western part of the East Mojave seem to me to make sense. I think that the case that the California Game and Fish Commission makes for using these mountains as a breeding and management ground for sheep which have been successfully reestablished there requires some attention to exactly how it is we guarantee that the management and some export of that sheep crop, can take place.

The Lanfair Valley, which is down on the Colorado River side of this area, requires some discussion. There was originally, as I understand it, actually a railroad into that area, and it was extensively homesteaded during one of the rare rainy phases back in the 1920s. Those old homesteads have, in some degree, now been broken up and resold in various land promotions. There is some small amount of settlement there, and I would suggest to the committee that we might try some language which says if we could get a satisfactory land use plan established with San Bernadino County—I am not sure whether it is in San Bernadino or Riverside—if we could get a satisfactory management plan laid over that valley, it might not be necessary in the long run to have a commitment to simply buy out or condemn all of those in-holdings, and I would commend that approach for your consideration.

Lastly, a few words about the Catellus and State in-holdings. I think the language with respect to the in-holdings held by the State of California is quite adequate. I think the approach toward the Catellus in-holdings is conceptually correct. I would ask you to consider only two things. The language, as it is presently drafted, could be read to say that I have an absolute obligation to offer up, on an interstate basis, to Catellus almost anything that would be inventoried as available for exchange, excess Bureau of Reclamation lands, or commercially developable land, and I would like very much to have language which says to me, "Make them some reasonable offers from the following," rather than inferring that somehow we surface everything and they get a smorgasbord from which to pick.

Lastly in that respect, I would ask you to revisit the credit mechanism that is at the end of the Catellus exchange process and ask whether or not it might make sense to say that in the year 1998 those bidding credits can be extended, not that they are automatically extended.

The reason for these comments is that I think it is important to take those in-holdings out, but I don't think that we need to say to Catellus, "You are automatically taken out" by any given date, because I think it subtracts from our negotiating leverage. What I would really like to have is a free hand to go to work with Catellus using the public domain and see if we can strike a deal but in the context of some incentives for Catellus to come to the table rather than saying, "Well, we are not interested because we have got an automatic credit take-out in the year 1998."

With that, and with those thoughts, I would underline my firmly held conviction based upon my discussions with the Bureau of Land Management, with Roger Kennedy in the National Park Service, that this area does deserve Monument or Park status, and you can certainly take your choice on that score. It needs, it must have, intensive management of a kind and style that we associate with the National Park Service.

Lastly, with respect to H.R. 880, I am pleased to acquiesce in what I think is a nicely bargained set of agreements with the military. We have a few technical suggestions as to the length, the role of mining withdrawals, a few other things. I don't think I need to take your time. I think they can be worked out at the staff level and it represents an entirely reasonable compromise. I think the wilderness and Park designations that we are contemplating ought to leave space for the kinds of military activities that we see out of these areas and that can be done.

I would be happy to answer any questions.

[Prepared statements of Secretary Babbitt follow:]

PREPARED STATEMENT OF HON. BRUCE BABBITT, SECRETARY OF THE INTERIOR, ON H.R. 518

Secretary BABBITT. I appreciate the opportunity to appear here today to discuss the Administration's view of H.R. 518.

The California Desert is a unique and extraordinary resource. For many Americans, their picture of the American West is the California Desert. It is the mystique; the vast open space; the arid, impenetrable, and unforgiving landscape. It is stoic rock monuments, majestic sunsets, and rugged territory that makes heroes and villains, and where good and evil are offered up in black hats and white hats.

The California Desert is also criss-crossed by the tracks of the people who made the deserts bloom. You can still see roads cut through sand by Conestoga wagons. Scars mark the mines that delivered fortunes to claim settlers who would not be turned away.

But today, the expansive and historic California Desert is threatened. Its air, its mystical solitude, its diversity is challenged by those who would pillage its subtle bounty. We need to protect this treasure for future Americans, for those who wish to preserve both the culture and the spirit of the wild West.

The issues we visit today are not new to you, But the moment to save the desert may disappear as quickly as desert seasons turn. We stand in support of H.R. 518, and urge the Committee to act expeditiously so we can protect the rich historical, archaeological, ecological, cultural, and recreational values enjoyed by millions of Americans.

We favor expanding the boundaries of the Joshua Tree and Death Valley National Monuments and designating them as national parks, and as well we favor the creation of a Mojave National Park. H.R. 518 would create a national monument; however, we recommend consistency among the three areas of Mojave, Death Valley, and Joshua Tree. We support the provisions of the bill that make significant additions of Bureau Land Management (BLM) and National Park Service (NPS) lands to the National Wilderness Preservation System. We defer to the Department of Agriculture concerning National Forest System lands addressed in this bill.

Additions proposed for the Joshua Tree National Park would provide protection of ecosystems now only partly included in the existing monument. These ecosystems include the Coxcombe Mountains, Pinto Basin and Pinto Mountains, Little San Bernardino Mountains, and Eagle Mountains. Resource protection would be greatly enhanced here with the full ecosystem included under on management entity.

Additions proposed for the Death Valley National Park in H.R. 518 would add valuable resources and park quality lands to the unit.

The proposed additions to the west of the existing monument generally comprising all or portions of the Eureka Valley, the Saline Range and Saline Valley and Panamint Valley are particularly significant. The BLM's 1979 Desert Planning Team Report and the National Park Service's 1987 Resource Evaluation Study found these general areas to be highly deserving of protection and eligible for inclusion in the Monument.

The proposed Mojave National Monument would be a significant and very special addition to the National Park System. The East Mojave area is located at the junction of three major desert divisions—Sonoran, Mojave, and Grant Basin. The biological resources of the area are extremely varied. Elevations range from less that 2000' in western valley areas to more than 7500' in mountain areas. The lower desert is colored with plants characteristic of the Colorado desert—smoke trees, cat-claw acacia, and assorted cactus. The upper elevations are checkered with pinyon-juniper. The desert prairie is also colored with unique and surprising foliage: fern gardens sprouting from spring-fed oases, and remnant stands of white fir of some higher peaks.

In the desert, the bighorn sheep, mountain lion, Gila Monsters, and desert tortoise carve out a hard-fought existence. In the subtle calm of the desert it is often easier to hear the creatures of this stark climate than to see them. The dove and Gambel's quail remind us that there is more here to sustain life than we can easily appreciate.

The California Desert holds valuable cultural resources as well. The pictographs, petroglyphs, turquoise quarries, rock shelters, milling sites, camp sites, and prehistoric trails colored our image

of the West. The old Army outposts, historic mines, and early homesteads and ranches are the legacy of Western settlement.

This desert is unique for its variety of recreational uses and the opportunity to interpret and preserve fragile desert in an area accessible to literally millions of urban and suburban residents. Hunting inside the proposed Mojave National Monument would conflict with other recreational interests and should be prohibited inside the park. There are clearly ample hunting opportunities elsewhere in the California Desert.

We do believe, however, that the National Park Service should be given discretion to continue to actively manage certain areas of the East Mojave for wildlife, particularly bighorn sheep, in order to continue existing cooperative arrangements between the California fish and wildlife authorities and the BLM to improve sheep habitat and relocate excess bighorn to other desert ranges.

One of the concerns raised with respect to the designation of the Mojave National Monument is the amount of privately owned land within the proposal. H.R. 518 addresses a significant part of this problem through the inclusion of language providing for innovative land exchange proposals for the California State School lands and lands owned by the Catellus Corporation. These two entities own the vast majority of non-federal land in the proposed park and we support, with only some minor modifications, the mechanisms in the bill to deal with these two major landowners.

The Lanfair Valley area in the eastern portion of the proposed park poses a different problem. This area contains numerous relatively small parcels of privately owned land in various ownerships. The BLM has estimated that perhaps as many as 1,000 individual privately owned parcels are located in the Lanfair Valley area. I am concerned about the impact this concentration of small land holdings may have on the proposed park. It is my view that the pressure to develop these parcels will increase once the park is established and our only options will be to permit incompatible development on these properties or to purchase these properties, most likely through condemnation.

We need to think about a different and more innovative approach for the Lanfair Valley. I proposed that we involve the local government entity, San Bernardino Country, and state authorities to the extent necessary in a process to create a forward-looking comprehensive land-use plan for the Valley to promote park purposes while affording private inholders the maximum flexibility to continue traditional appropriate uses of their property. Once such a plan is developed by the county and approved by the Secretary, the Department's authority to condemn private lands in the area would be suspended for the duration of the plan.

With technical assistance from the Department, such a plan could protect park resources far more effectively than simply wielding the draconian threat of potential condemnation. Local landowners would benefit from participating in the process of determining the future of the Valley, from obtaining a sense of certainty, and from removal of the threat of condemnation.

This approach would provide a mechanism to encourage local guidance and direction to landowners with Lanfair Valley with respect to development of their property without fear of condemna-

tion while providing for the protection of park resources. We would be pleased to work with the Committee staff and others to draft statutory language to implement this approach.

As noted above, we generally support the land exchange provisions included in sections 609 and 610 of S. 21 for California State School Lands and the Catellus Development Corporation. We would, however, propose that the language be modified to make clear that in preparing the lists of Federal lands available for exchange, the Secretary has ample discretion to include on those lists lands under the jurisdiction of the Secretary of the Interior suitable for exchange and that the Secretary not simply be required to prepare a list of every acre of land under Interior's jurisdiction that might fall into the broad categories of lands identified in the legislation. We also propose that the deadline for completion of the land exchanges be changed from October 1, 1996 to October 1, 1998. This change would give the parties extra time to ensure that all possible exchanges have taken place before the alternate provisions must take effect.

As I said earlier, we generally support the wilderness and park boundaries proposed in H.R. 518. However, as you know, since legislation to protect the California Desert was first introduced in 1986, there have been numerous boundary modifications and refinements made to these areas to address various concerns and in response to the most recent field data available. Such a process is continuing and it is possible that other boundary changes and clarifications may be desirable as the legislation moves through the legislative process. We want you to know that we are prepared to work with you and your staffs to assist in making these adjustments.

Mr. Chairman, I know that the position the Administration is taking today differs in many significant respects from the position taken by previous Administrations, and I would like to make a couple of points in this regard. First, I believe the position we take today more accurately reflects the view shared by millions of Americans, both in and out of California, that the California Desert warrants a very high degree of protection. For much of the land affected by H.R. 518, the choice has never been a simple one between unlimited development or total preservation. Many of the designations and boundary decisions presented by H.R. 518 have been, and remain, very close calls because of the significant resource values involved. The position we take today is, in a sense, a cautious one that preserves the best of what the desert has to offer by providing the extra level of protection these lands deserve and, at the same time, help to end the gridlock that has plagued this legislation for the past eight years.

We recognize, of course, that there are significant differences in the statutory mission and resulting policy between the BLM and the NPS, as well as different public expectations regarding management by the two agencies. To address these concerns, I have established a multi-agency working group in the Department that will involve my office, the office of the appropriate Assistant Secretaries, as well as BLM and NPS personnel to begin working together on how best to plan for and facilitate the implementation of this legislation. I believe these issues should be carefully consid-

ered as expeditiously as possible and I am convinced such a group can play a very positive role as the Congress continues to consider the California Desert legislation and in implementing the legislation after it is enacted.

Finally, it is important to understand that we are not criticizing BLM's management of the Desert. I recently had the opportunity to tour a portion of this area with BLM California State Director Ed Hastey and was impressed with his accomplishments and those of his staff in managing such a diverse area. The BLM and Mr. Hastey have done an excellent job given the available resources and Congressional mandates, and have preserved the Desert's values in a way that has given us options for the future. It is the need to meet the expectations for the future that leads me to support H.R. 518.

I urge your immediate action on this important legislation and I will be pleased to answer your questions.

STATEMENT OF HON. BRUCE BABBITT, SECRETARY OF THE INTERIOR ON H.R. 880

Secretary BABBITT. I appreciate the opportunity to appear here today to give you our views on H.R. 880, the "California Military Lands Withdrawal and Overflights Act of 1993."

H.R. 880 would withdraw for 15 years approximately 1,100,000 acres of land within the boundaries of China Lake Naval Weapons Center (China Lake), and approximately 226,711 acres, comprising the Chocolate Mountain Aerial Gunnery Range (Chocolate Mountain), from all forms of appropriations under the public land laws, including the mining and mineral leasing laws, except for geothermal leasing at China Lake. The lands would be withdrawn for use for a variety of defense-related purposes, including military training, research, development, and testing. Non-military uses would be managed by the Bureau of Land Management (BLM) under a management plan and related Memorandum of Understanding (MOU).

The bill also authorizes the continuation of military use of approximately 44,870 acres of public lands in Imperial County, California, known as the East Mesa and West Mesa Ranges without further legislation until January 1, 1994. Finally, it would establish that nothing in the proposed "California Desert Protection Act of 1993" shall preclude or otherwise affect low-level overflights of military aircraft in the California Desert area.

We would support enactment of H.R. 880 if it is amended to address our concerns.

WITHDRAWAL FROM MINING AND MINERAL LEASING

Under H.R. 880, both China Lake and Chocolate Mountain would be withdrawn from mining and mineral leasing. Chocolate Mountain would also be withdrawn from geothermal leasing. We agree that the lands in question should be withdrawn from the Mining Law and from mineral leasing. However, we strongly urge that a mechanism, similar to the process in Section 12 of the Military Lands Withdrawal Act of 1986, Public Law 99–606, be incorporated in H.R. 880. Using that approach, the lands would be withdrawn

from mining and from mineral and geothermal leasing, but selected areas could be reopened by a modification and opening order published in the Federal Register if the Secretary of the Interior (Secretary), with the concurrence of the Secretary of the Navy, finds that the mineral activity would be suitable, given the military use. NEPA and other environmental and cultural resource laws requiring consultation in appropriate cases would have to be complied with. The 1986 Act also contains special authority for promulgation of regulations, emergency closures, and issuance of limited patents for only the locatable minerals.

In addition to provisions along the lines of those in the 1986 Act, we urge inclusion of a provision concerning salable minerals or mineral materials which are normally disposed of by sale under the Act of July 31, 1947 (30 U.S.C. 601). These are neither leasable nor locatable. We assume that in absence of specific mention in the bill, those minerals could be disposed of under the 1947 Act. However, it would be helpful to clarify that such sales are authorized.

IMMUNITY PROVISIONS

If H.R. 880 is amended to include our recommendation regarding mining and mineral leasing, then the immunity language in section 10 should be amended to cover mining, mineral leasing, and material sales.

ASSIGNMENT OF MANAGEMENT RESPONSIBILITIES

We support the provisions of Section 4(g)(1) of H.R. 880 that would authorize the Secretary to assign management responsibilities for lands withdrawn for China Lake to the Secretary of the Navy. However, we urge that these provisions also be made applicable to Chocolate Mountain. Chocolate Mountain is apparently heavily contaminated with munitions waste, including unexploded ordnance, and any surface or subsurface use or occupancy could be hazardous. Given this situation, military management and land development for that portion of the withdrawn lands intensively used for military purposes would be preferable to BLM management and plan development.

DEVELOPMENT OF THE MANAGEMENT PLAN

H.R. 880 provides for 3 years to complete a management plan. We prefer a 5-year period, because it allows for a more thorough and professional product. Our experience since enactment of the Federal Land Policy and Management Act of 1976 (FLPMA) has been that 5 years are generally necessary to authorize, program, and schedule planning activities.

TERMS OF THE WITHDRAWAL

H.R. 880 provides that the withdrawals would terminate in 15 years. We believe that 25 years is necessary for military withdrawals to allow for a more efficient long-range planning and implementation process. We urge that the bill be amended to provide for the longer term. The 12-year period for the publication of a draft EIS should likewise be modified.

WILD HORSES AND BURROS

We support the provisions in subsection 4(g)(4) for management of wild horses and burros at China Lake by the Secretary of the Navy. We recommend that a similar provision be included to cover Chocolate Mountain.

REVOCATION OF EXISTING WITHDRAWALS

To facilitate transition from current authorizations, to clarify the governing authorities, and to obviate the need for further administrative actions, we recommend that a section be added to H.R. 880 to repeal or revoke the existing withdrawals for China Lake and Chocolate Mountain, whether statutory or administrative in nature. We have previously provided language to the subcommittee to effect these revocations.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Subsection 5(b) of H.R. 880 would require the Secretary of the Navy to publish a draft environmental impact statement (EIS) concerning continued or renewed withdrawal of any portion of the land. We do not believe an EIS is necessary in every case for continuation of existing military reservations. We believe that an application by the Secretary of the Navy for extension of the withdrawals in accordance with the regulations and procedures of the Department of the Interior should be sufficient.

EL CENTRO RANGE

Section 11 of the bill would authorize the Secretary to allow the Secretary of the Navy to use until January 1, 1994, approximately 44,870 acres of public lands in Imperial County, California, known as the East and West Mesa Ranges. Most of this land has been under a withdrawal for the All-American Canal Division, Boulder Canyon Project by the Bureau of Reclamation. A cooperative agreement between the Navy and the Bureau of Reclamation has authorized the Navy to use these lands. This withdrawal has been identified by the Bureau of Reclamation for relinquishment. Section 11 of the bill would provide for the continued use by the Navy until January 1994.

Since only 7 months remain before the January 1994 termination date, we recommend that section 11 be amended to authorize continued use of the El Centro Range by the Secretary of the Navy until January 1, 1996. The withdrawal proposal for the El Centro ranges is currently undergoing review in BLM headquarters and will be forwarded to Congress within the next few months.

MILITARY OVERFLIGHTS

H.R. 880 strikes the appropriate balance between national defense and concerns as to the noise and other adverse effects of aircraft overflights on park resources. Further, H.R. 880 recognizes the importance of military overflights now and in the future. The National Park Service will continue to monitor the effects of aircraft overflights on park resources and values.

CONCLUSION

In summary, I believe that enactment of H.R. 880 with the amendments we suggest would furnish an excellent foundation for continued military use of both the China Lake Naval Weapons Center and Chocolate Mountain Aerial Gunnery Range and would adequately provide for appropriate use of other resources under proper management guidelines.

This concludes my statement. I will be happy to answer questions.

Mr. VENTO. Thank you, Mr. Secretary.

The Chairman of the committee is present, a Member from California immensely interested in this issue, and who arrived first, I might say, before the subcommittee chairman.

Mr. Miller.

OPENING STATEMENT OF HON. GEORGE MILLER

Mr. MILLER. Mr. Chairman, I don't have questions for the Secretary.

I just want to commend you for your very forthright statement. I think the issues that you have raised in that statement are certainly those which we should continue to, as you say, engage in a discussion about as we contemplate the markup of this legislation before this committee.

But I really want to once again thank Chairman Vento for holding these hearings. I think this is the twelfth hearing that we have had on this legislation over the last several years, to try and provide the public input and the input of our colleagues. I also want to thank Rick Lehman for his shepherding of this legislation over the last couple of years.

We obviously look forward to working with you, and I think, again, the suggestions and comments that you have made this morning will be given very serious consideration by this committee as we try to reach agreement on this matter, and I appreciate your time, Mr. Secretary.

I have a statement I would like to include in the record, if there is no objection.

Mr. VENTO. Your statement will be made a part of the record.

[Prepared statement of Mr. Miller follows:]

STATEMENT OF HON. GEORGE MILLER

Mr. MILLER. Thank you for holding hearings on H.R. 518, the California Desert Protection Act, and H.R. 880, legislation to withdrawal certain Federal lands in California for military purposes. This is the 12th Congressional hearing held since 1987 on California Desert protection legislation. As an original cosponsor of both bills, I appreciate the Subcommittee's attention to the California Desert.

H.R. 518

H.R. 518 is nearly identical to legislation which passed the House in the 102nd Congress by a vote of 297 to 136. The bill designates approximately 4 million acres as wilderness, expands the existing Joshua Tree and Death Valley National Monuments by 200,000 acres and 1.3 million acres respectively, and redesignates

the Monuments As National Parks. In addition, H.R. 518 creates a new 1.5 million acre Mojave National Monument managed by the National Park Service on lands presently administered as the East Mojave National Scenic Area by the Bureau of Land Management. According to a Field Poll taken last year, 71 percent of Californians favor National Park Service management in the existing East Mojave National Scenic Area.

If the California Desert Protection Act is adopted, all existing uses of the desert will continue, sometimes in different areas under different management prescriptions. But there is no use of the desert land permitted today that will be precluded by enactment of this legislation.

For those who like the backpack, there are thousands of trail miles to walk along in the 4 million acres of wilderness. All of the areas to be designated wilderness were classified as roadless by the Bureau of Land Management in its desert plan.

For those who like to use off road vehicles, the legislation leaves open approximately 33,000 miles of roads, including 18,000 miles of primitive routes and 15,000 miles of paved and unmaintained dirt roads. In addition, approximately 430,000 acres of public land—an area approximately 10 times the size of Washington, D.C.—will remain open primarily for use as off road play areas for trail bike and all terrain vehicle users.

For those who enjoy the privilege of mining on public land, the legislation allows anyone with valid existing rights to continue operating. The bill was carefully crafted to exclude most current and historical mining districts.

For those who run cattle on public lands, grazing also will be permitted to continue for approximately 25 years in the proposed Mojave National Monument and existing Death Valley National Monument, and in perpetuity in wilderness areas.

HUNTING

Under terms of this legislation, hunting would be prohibited in the Mojave National Monument. The National Rifle Association apparently objects to the prohibition and is seeking support for an amendment to allow hunting to continue. Yet, there are ample opportunities for hunting on almost 40 million acres of Federal land in California, including more than 4 million acres in the California Desert. In addition, the Mojave is not a major harvest ground—approximately 26 deer and 5 bighorn sheep are taken each year. Given the large numbers of visitors expected at the proposed Mojave National Monument and the relatively small harvest, hunting could jeopardize the safety of the visitors. In 1987, the NRA Board of Directors adopted a resolution opposing further expansion of the national wilderness and National Park System, unless the areas remained open to hunters. The NRA also supported the restoration of hunting access in areas where hunting has been curtailed. National conservation organizations claim the NRA is using the California Desert Protection Act to gain a foothold in its efforts to require hunting in our National Parks and Monuments. under existing law, hunting is permitted in only 1 out of 79 National Monuments and 1 out of 51 National Parks.

EMPLOYMENT OPPORTUNITIES

Critics also have suggested that the California Desert Protection Act will cause the loss of jobs in southern California. Yet, according to a report prepared by LSA Associates for the Wilderness Society, non-fuels mining jobs account for less than one percent of total employment in the five counties affected by this legislation. As for future mining jobs precluded by this legislation, the same report estimates that several hundred jobs at most will be affected by passage of the California Desert Protection Act. Yet, the proposed Mojave National Monument can be expected to provide service sector jobs. Although NPS is presently preparing an estimate on jobs expected to be created as a result of designation of the Mojave National Monument, NPS studies show that the Death Valley National Monument provides 885 jobs generating about $60 million per year. Given that the Mojave is located between two major interstate highways, the proposed Mojave National Monument has the potential to create additional jobs.

H.R. 880

H.R. 880 is identical to military withdrawal and overflight language adopted as a floor amendment during House consideration of the California Desert Protection Act in 1991.

CONCLUSION

Given that about 17 years have passed since 1976 when Congress ordered the first study about future uses of the California Desert in the Federal Land Policy and Management Act, it is time to enact legislation so that all desert users—miners, hikers, educators, off-road vehicle users and others—may have some certainty about the future of the desert. At the same time as this legislation will preserve natural and scenic areas for the health, enjoyment and education of future generations, this legislation also maintains off road vehicle recreational opportunities, and allows mining, grazing, and other activities to continue in specific areas.

I encourage my colleagues to support this legislation.

Mr. VENTO. Mr. Hansen.

STATEMENT OF HON. JAMES V. HANSEN

Mr. HANSEN. Thank you, Mr. Chairman.

I ask unanimous consent that my statement be included in the record.

Mr. VENTO. Yes, general leave has been given that the entire statements be made a part of the record.

[Prepared statement of Mr. Hansen follows:]

Mr. HANSEN. I thank the Chairman for holding today's hearing. I remember vividly attending a hearing, chaired by Mel Levine, on this issue four years ago in Barstow. That hearing attracted a massive crowd that was very polarized. Looking at today's witness list, it appears that much of that polarization remains today.

H.R. 518 includes over twice as much wilderness as the BLM recommended to Congress and converts 3.0 million acres of multiple use public lands into national parks. In the process, it eliminates

hunting on all 3.0 million acres of the new National Park lands—a land acreage the size of the state of Connecticut.

I am concerned about the inherent and unmanageable conflicts we are creating for the National Park Service by creating an East Mojave National Monument. This area has 2,500 miles of roads and routes, 55 miles of transcontinental railroad, several high voltage transmission lines, a pipeline, 120 miles of telephone lines and 10,000 mining claims. It is inconceivable to me that this area was even considered for national monument status.

As an avid hunter and sportsmen, I agree with the 235 Members of the House who voted in 1991 to continue hunting in the East Mojave. I know the chairman does not like the precedent of hunting in national monuments, but that vote should serve to alert him that hunting is just one more compelling reason why this area should remain in multiple use management.

Another concern I have with H.R. 518, is the effort to close numerous established roads that provide access to recreationalist. These roads do not fit the criteria of the 1964 Wilderness Act and should be cherry-stemmed out of the Wilderness Area.

I note that all four Congressman representing the Desert areas, lead by Jerry Lewis, strongly oppose H.R. 518. This clearly indicates that H.R. 518 does not represent a consensus but rather places preservation above true conservation. I believe that H.R. 2379, introduced by Mr. Lewis and supported by all the Desert Congressman, is closer to a consensus. It would implement the recommendations made by the BLM in designating 2.3 million acres as wilderness and expanding the national park system by 108,000 acres. It is strongly supported by Desert residents who must live with the consequences of what the Congress enacts.

Thank you Mr. Chairman, I look forward to listening to today's witnesses.

Mr. HANSEN. Mr. Secretary, I appreciate your statement.

The California Desert plan was developed pursuant to FLPMA and was the result of exhaustive study by the career professionals at the Bureau of Land Management. That plan was agreed to by former Interior Secretary Cecil Andrus as well as his successors. Today you are supporting legislation that recommends twice as much wilderness and 28 times more Park lands than the plan developed by your Department. I would just be curious, and I say it very respectfully, why this radical departure, and also, if I may piggy-back on that question, I understand that a past BLM employee is going to testify later that says this will cost over one billion dollars in land acquisition, and you did allude to it in your opening statement of the trades, and I appreciate that.

I would appreciate if you would comment briefly on those two questions, if you would, please.

Secretary BABBITT. Sure.

My basic feeling about these issues from my own experience in Arizona and elsewhere in the Southwest is that these desert regions are extraordinarily fragile, and as the use pressures mount they degrade in remarkably rapid fashion. Of course, when they are degraded by use, they take literally centuries, if ever, to recover.

The original plan back in the 1970s was, I think, a reasonable approach in the context of that time, but the bottom line is, it hasn't worked. The mining issues in the East Mojave, I think, border on an outrage. I mean the Aikin cinder cone is being stripped and hauled away. Now, I am not prepared to address blame for that, but the fact is that it has happened. The Kelso Sand Dunes have been blanketed with speculative, if not outright fraudulent, mining claims, and there is going to be an extraordinary amount of time and expense spent stripping away these speculative mining claims.

If you look at the other cinder craters off beyond the Aiken cone, two-thirds of them now have roads driven to the top preparatory to this same kind of blasting up and pulling apart.

I had a careful look at the off-road use issues. I think there is room for that kind of thing in the desert, but you can't have it just willy-nilly across the entire desert or you risk losing the entire ecosystem. It is now a problem in the East Mojave.

I think if you add all those things up, it is clear to me that we ought to have a mining withdrawal, that we ought to have much more intensive administration of the area to protect the endangered species, the flora of the desert. If you add all of that up, it starts to sound an awful lot like the National Park System.

Now, with respect to the amounts of money, I think I have already given you my response. I don't think that that kind of expenditure is necessary. I think in the case of the Lanfair Valley that a zoning plan, land use plan, at the county level might well be adequate. I believe that if I have more flexibility the Catellus lands can be exchanged without any kind of premium, and that would leave essentially a cash obligation to the State of California for the take-out of their lands. I have not separately valued that, but I think that is a fair question.

Mr. HANSEN. Mr. Secretary, back in the days of your good friend Scott Matheson from the State of Utah, I was Speaker of the House, and we used to always be battling situations as far as hunting on some of the areas that we were looking at that would go into different designations. This seems to be an issue that a lot of us worked on a couple of terms ago with Ron Marlenee. What is your opinion on hunting? And, while we are at it, let me piggy-back on to that one about grazing. As I understand the way this bill is drafted, it would substantially reduce the amount of grazing in the East Mojave.

Secretary BABBITT. Yes, there would be a phase-out of grazing at the year 2016. I am from Arizona; you are from Utah. I think even coming from our States, you would be astounded at what this land is all about. No offense to California intended; there isn't much very much grazing out here. I don't know, there may be—somebody help me—a handful of permits—four, five, half a dozen—involving how many head of livestock? There can't be a thousand. I would guess several hundreds of livestock across this entire area. It is really de minimis.

Now with respect to the hunting, I tried to imagine what I would be hunting in the East Mojave, and the bottom line is, there is one real issue, and that is the sheep. There are a few—very few—

white-tailed deer, a few odds and ends. The sheep are a substantial issue.

It is my understanding that the California Game and Fish Commission is saying, out of this nucleus herd in these mountains to the west, we believe we can restock the desert ranges outside these areas, and that surely includes most of the desert ranges that get wilderness designation in this bill, all the way from the Chemehuevi and Whipple Mountains clear down to the Colorado River all the way back up to the west. I mean there are 20, 30, 40, maybe 50 of those desert ranges, which I think are tremendous hunting terrain. The right to hunt would be protected by the wilderness designation. I guess my bottom line on hunting is, there is still plenty of space for it.

Mr. HANSEN. I see.

Not to be argumentative in any way, I understand there is dove, quail, chukar, jackrabbits, cottontails, coyotes, and bobcats; there were 21,000 hunters who hunted in 1991 and 213 different species were taken at that time. I guess it is kind of like beauty, it is in the eye of the beholder. Knowing of your arid State and my arid State, I sure remember John Seiberling going with me out in those areas and the north strip of the Arizona which I border in my district, stating that he couldn't see where any respectable cow would ever be there, but yet we do have—and I am sure your own background is in that area—we do have some very respectable cattle areas there. Admittedly, our cows have to wander a long way for a drink of water and for a blade of grass occasionally, but we do raise substantial cattle there.

Thank you for your comments, Mr. Secretary. I appreciate it very much.

Thank you, Mr. Chairman.

Mr. VENTO. I thank the gentleman, and let me just recognize myself.

The East Mojave, the designation of it as a Park or as a Monument, as a unit of the National Park System, is one of the more difficult issues and challenges that are faced here, Mr. Secretary.

I note in your testimony you point out that in the Sonoran Desert, the National Park System, as a goal, ought to include the Sonoran and all the major desert areas in the United States as a representative area. For instance, the Great Basin, which I did some work on with Senator Harry Reid when he was in the House, we were able to include it, and so we have a representative area. I think we need a little more of the Great Basin, to be candid with you, in order to take in more of the desert playa areas. The Sonoran Desert is represented, but we don't have any real representation of the Mojave Desert in the National Park System. Is that correct?

Secretary BABBITT. That is my understanding. There is really, I think, a kind of confluence of the Basin and Range areas of the Mojave Desert and the Sonoran Desert on the West.

I don't necessarily want to get rhapsodic in these hearings, but the longer one spends in these desert areas of the Southwest, the more clear it is that there is nothing like them anywhere else in the world. In a way, a mountain is a mountain. You have seen alpine mountains in Switzerland, in South America, and they all

have striking similarities. This kind of desert isn't replicated—well, I knew that was not going to have the intended effect.

In any event, my point is simply, this desert doesn't occur anywhere else. It is extraordinarily fragile, and we ought to be out protecting it.

Mr. VENTO. It has the intended effect, I think, Mr. Secretary. I mean I have spent hours and hours flying over this, as have many of my colleagues that represent the area, and you see the alluvial fans and the refracted light in the purple sort of color that comes off these areas. It is an amazing area, and to some extent, these dry areas are very, very fragile.

I think it should be recognized, and I know you did in your statement, but I recall that it struck me in 1987 or 1988, when we first were considering that before my subcommittee, and Congressman Lehman did a great job last year in bringing this to a conclusion on the House side, representing a part of that area and the principal sponsor of the measure. But at that time we focused on the BLM role. I think they had 25 people assigned to the California Desert Conservation area.

Now included in this area that we studied, we have some military withdrawal lands and there are some Park Service, but I think it points out the fact that since then there has been a significant increase in problems because of the deplorable numbers, the too few BLM people in the area. I think we have since then improved that greatly, and considering the veneer-thin presence of BLM personnel in that area, they have done a remarkable job in terms of trying to keep a focus on this and do the job that they have to do, and I know you recognize that in your statement. There is certainly the recognition that inclusion of Park areas and/or wilderness and/or modification from the recommendations that have been made by the previous Administration in no way reflects on the role of the BLM in this particular instance, Mr. Secretary.

Secretary BABBITT. Mr. Chairman, I would simply concur enthusiastically with that comment.

Mr. VENTO. I think what has occurred here is that we really have sort of a fast forward in terms of beginning to deal with issues, rather than coming back and dealing with this in pieces, because it has been, I think, the subject of public debate and discussion and deliberation for the last ten years of some controversial nature. I think the suggestion is that there should be a conclusion.

I think one of the great failures of the national government is that we don't bring things to conclusion and people get weary, I think, many times with land use questions, and we come back and nibble away at it each year, year in and year out.

So I hope that the conclusion of this year's activity is to arrive at a final product, a land use plan that is more comprehensive, I think more ambitious, more aggressive, in terms of trying to set a policy path that is clear here rather than one that leaves us in a quandary of additional studies. In fact, in this bill there is very little that is left to study—some areas—but it does, I think, deal with making decisions, which is what this committee has obviously been poised to do for a long time. But I think that finally we have a reliable partner in the national government now, in the executive branch, that is ready to make decisions on this.

I would point out on the grazing issue, I think it was on this area that we had 2,500 acres per AUM in this dry area. As I said to you, Mr. Secretary, when I reported that to you at one time, these cows have more miles on them than my old Chevrolet. I think that sort of speaks to the nature, and I think the impact, nevertheless, of cattle, of grazing, on these areas is even more dramatic in these areas where there is so little vegetation. So that has to be drawn into contrast as well as, of course, the hunting issue.

Last year during the testimony on the designation of the Mojave Desert, the great extent of hunting there indicated that there were only about 15,000 visitor days. That doesn't mean 15,000 people, it means that they spent that many days in the desert. Now there is some controversy over the numbers. I hope we can arrive at what the impact is to try to understand that, and the fact that there were 25 to 30 mule deer that were actually successfully hunted in that area annually, which is a pretty small number considering the number of days, and of course, there are other things that are hunted there, as my colleague said, a number of different species. I didn't know that we hunted bobcats, but some people apparently do.

As far as mining in the Parks and in-holdings, as you have indicated, Mr. Secretary, those issues are as old as the National Park System itself. In fact, we have specific laws that deal with mining in the Parks, and you pointed out mining that, in fact, has taken place, active mining that took place in the Grand Canyon.

As far as in-holdings, we have had in-holdings in some of the Parks that were established as reserves, over 100 years ago, and they persist. So I think finding a solution, as you indicated, to the Lanfair Valley and the number of in-holdings there is especially crucial, and I would be willing to discuss with you and others any type of method that we can utilize, working especially with the county and/or others to achieve the ends desired in terms of trying to limit adverse impact on the basis for which the Park might be established. So I have a specific interest in that.

When we look at the amount of wilderness, the expansion of the Parks, I think this really does set us on a final policy path, one that will, I think, sustain the judgment of time for some period, and I hope that we can take this aggressive new posture in the Administration and the good work of my colleagues from California across the country on this issue and move it forward.

Mr. LaRocco is next in recognition.

Mr. LaRocco.

STATEMENT OF HON. LARRY LaROCCO

Mr. LAROCCO. Thank you, Mr. Chairman, and welcome, Mr. Secretary. It is good to see that "Sec." in front of your name down there. It is great to have you back on the job.

I will just make an observation with regard to hunting. I am very concerned about this issue and what message the House passes on to the Administration. I would make the observation further that, on the Floor of the House in the 102d Congress, there was actually an amendment passed to allow hunting in a National Park. I think that is precedent-setting, and so I am faced with the dilemma of trying to walk a fine line here on the hunting in the East Mojave

Desert. I have drafted an amendment that at this point I plan to offer during the markup to change the status to a preserve. It is just an effort not to break with precedent on that critical issue. I think Mr. Hansen has correctly stated the number of hunter days in the area, 169,000 I believe. I am not sure whether you want to take a further position on that, but I don't know whether the administration would rather have a precedent-setting amendment passed on the Floor which I think would again be successful or to try and walk some fine line legislatively. I don't know how else to do it, and I am faced with that dilemma.

Furthermore, Mr. Secretary, with regard to the East Mojave, I heard what you said about the Viceroy mine and the exclusion there. I think as we move ahead, it is the responsibility of the framers of public policy to make favorable comments about mining operations which are responsible within the environmental regulations, and for those mining operations that go the extra mile, which I think Viceroy has demonstrated there. As you correctly pointed out, there are bad operations where there is a sincere and true deterioration of the land.

My question is, with regard to the Viceroy, they have a claim block that I think goes beyond their current operations. Does the Administration have a position on how big that exclusion might be with regard to their existing operations and to their whole claim block? I would welcome anything you have to say about the hunting, and that would be the end of my questions.

Secretary BABBITT. Congressman, the claim block is a fair issue. I think what I prefer to do is follow up in writing on that. There has been a great deal of discussion, but I am not certain that we have kind of reduced it to meet some bounds in terms of our view.

Obviously, I share your judgment about that mine. They have done an adequate job. They have, by and large, as far as I can see, been a pretty darn good operation, and I think they are entitled to reasonable treatment on that score.

I don't have a solution to your dilemma on the hunting issue. It is a dilemma. It is my judgment that this area does need designation as a Monument or preferably a Park. I wouldn't even care to face the idea of a proposal for hunting in a National Park. It is utterly at variance with our perception of Parks. It would be violently opposed by the Park constituency.

I guess the best I can do is just to repeat what I said to Congressman Hansen. It is my judgment that, on the whole, there is plenty of hunting space in Southeastern California. It is an enormous place, and I don't think there is any shortage of hunting space.

The one exception that I think we need to think about is the sheep, because it really is an extraordinary hunting resource. It has by and large not been widely available in the Southwest. That is changing precisely because of the success at reestablishing these sheep herds in these separate, discrete mountain ranges, and my sense is that if we can construct a bill that makes certain that California Game and Fish can use this area, not for hunting but for the raising and transplanting of sheep herds to these other mountains, that would in my judgment answer the question completely, Is there an adequate hunting opportunity available across

all of these different species in the California Desert within proximity of the Los Angeles metropolitan area? If the sheep issue is taken care of, my answer would be yes.

I understand that that may or may not solve your dilemma.

Mr. LAROCCO. Thank you, Mr. Secretary, and thank you, Mr. Chairman, for the opportunity to ask questions.

Mr. VENTO. Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman.

Mr. Secretary, you mentioned that the Catellus land holding language was conceptually okay. However, in the Senate hearing several weeks ago that was not the case. Several western Senators, including Senator Bumpers, who is the chairman of that subcommittee, had major problems with this language. Could you explain the difference between why you believe that there was no problem and Senator Bumpers believing that there was?

Secretary BABBITT. Mr. Congressman, I don't recall whether or not I was present at the discussion with Senator Bumpers, but just to sharpen my view on this, I don't think the language is okay in its current form. I believe—and I suspect this may be what Senator Bumpers was getting at—that what we should have is authority in the Secretary to devise a land exchange, if you want, subject to approval by the Congress, and then possibly have, if we can't work out an exchange, the option of a bidding credit, as a fall-back. But I think what Senator Bumpers was objecting to was the kind of mandatory sound of all this. It puts Catellus in too strong a position.

These in-holdings, I think, should be understood in their full context. This is one of these old railroad grants that goes across there, and they are very common in these areas. By and large, this is land which was dealt out free or for a few cents an acre. It is not as if it is land which has any development potential. It is land which could, in fact, sit inside a National Park for the next 50 years without threatening the Park or the integrity of the Park administration. So there is no sense of urgency about moving this out and saying it must be done. I think in due course and fairness to Catellus it is reasonable to say to the Secretary, "Try to work it out."

I will tell you honestly, my opening position in these checkerboard trades is, you just block the checkerboard. You don't look for some kind of windfall. You say to Catellus, "We would be happy to get you out of the Park boundaries because we have identical land just outside the Park boundary, and it is not our job to put you into a commercial development in Seattle or Minneapolis or New York."

Mr. CALVERT. Was there a task force that was agreed upon at the hearing with Senator Bumpers? Has that formed, and what is the status of that?

Secretary BABBITT. Congressman, not to my knowledge. My staff has had some discussions with Catellus, but it hasn't come anywhere near any kind of task force or structured process. I think my staff understands my feelings on this, and my feelings again are, I would be quite aggressive about trying to work out a land exchange, but I would not one-up the ante by having any mandates or having my hands tied, and I would be quite willing to buffer—in case you don't have a high opinion of my horse-trading ability—

I would be quite willing to have a requirement of congressional approval. This seems to me reasonable.

Mr. CALVERT. One other question. It was alluded that there are too few people and resources for the BLM to manage the desert. However, earlier this year this committee had an oversight hearing on the similar problems faced by the National Park Service. It seems the National Park Service is facing also a land acquisition backlog of approximately $4 billion. Existing Parks such as Yosemite are facing shortages, making upkeep and maintenance difficult. If we are having troubles addressing this, how are we going to take on the entire California Desert?

Secretary BABBITT. It is a fair question because we do have a resource and management backlog on all sides of public lands—Fish and Wildlife land base, BLM, the National Park System. That is undeniably correct.

My sense is simply this. We really must make a decision about the future of this desert. It does need a higher degree of protection and administration that I believe is best placed in the National Park Service. I don't think we can dodge that imperative by pleading lack of resources. It is a fair question.

I have submitted to the Budget Committees a substantial increase in the budget for the National Park System this coming year. It is about 20 percent. Most of that, not all of it, but most of it comes from a reallocation of priorities within the Department, and I would hope that in the future I can continue to find efficiencies, to reallocate, to squeeze. It is not going to be easy, but it has to be done.

Mr. CALVERT. One last question and comment. As you know, California is going through some very tough times right now, especially Southern California. We have not been able to benefit from any economic expansion. This legislation over time would pretty much eliminate mining, eliminate grazing, leave little room for hunting, recreational vehicles in the desert, all of these which have economic impact to that region. California is fighting for every single job that it can retain and to try to bring others in to employ more and more people. This is not, in my mind, helping our region, and I would hope that there would be some reasonable compromises, especially within the East Mojave.

I know there is some great interest not only with the mining people but hunting, and as this process continues as it has, I would hope that you will be open minded and will listen to the two Congressmen who are here today who represent that area and who are more knowledgeable about that area than anyone else in this room, I think.

With that, thank you very much, Mr. Secretary.

Secretary BABBITT. Congressman, just briefly, I am of course sensitive to the economics and jobs issue. I think I can say flat out, without much fear of contradiction that, without exception, everywhere in the United States since the creation of the National Park System the placement of a land unit into National Park status has been a direct, immediate, sustained, unyielding inducement to the creation of jobs and income. It is true absolutely everywhere. It is a reflection, if you will, of the magnetism and esprit and impor-

tance that people attach to that designation. It draws people from all over the world, and it will here.

Mr. VENTO. Mr. Lehman.

STATEMENT OF HON. RICHARD H. LEHMAN

Mr. LEHMAN. Thank you very much.

Mr. Secretary, it is good to see you again, and I certainly want to commend you for the level of involvement you have put into this issue. I think given the new circumstances, one being you being Secretary of the Interior and actively supporting this legislation, I believe you testified in favor of it in the Senate and in your opening remarks before this committee you supported it, and here you are today as well, and with the support of the two United States Senators who also actively endorse this legislation, it ought to be clear to everyone involved with this issue that the gridlock with respect to desert protection is over and we are going to enact legislation in this session.

I think the important thing then for us as we go forward here is not just to enact legislation but to make sure that what we do is good legislation, that it makes sense, that it is reasonable, and that we can all be proud of it.

I, frankly, for the past three years that I have been involved directly, hands on, with crafting this legislation, have been very frustrated because, while I have attempted to have an open door and talk to everyone involved with the legislation, we have seen very little movement on the other side, and maybe hopefully today some of my colleagues will change that somewhat, but all we have seen on the other side of the table is holding fast to the prior BLM recommendation, which is about a third of the acreage in this bill.

Nonetheless, when I took over this legislation three years ago, I sought to compromise with the bill's opponents, and the bill before us today reflects an awful lot of compromise in that regard. First of all, I took out 270,000 acres from the original Cranston proposal. Second, we eliminated all active mines from wilderness areas in the legislation. The only question with the Viceroy mine here is whether or not it be included in the Park. It is out of wilderness and could mine under the legislation before us in Park status. If it is your desire to remove it—and Senator Feinstein has already done that in her bill—I have no problem taking that extra step here as well in the name of compromise.

With respect to off-road vehicle use in the area, we took 75,000 acres out of the Cranston bill and put 114 miles back in for off-road vehicle use.

Three years ago, every utility in California was opposed to this bill. Today, none of them is opposed to this bill. Southern California Gas Company, Southern California Edison, L.A. Water and Power, the Met, all of their problems with respect to this legislation have been met satisfactorily, and they are not opposed to the bill. Indeed, some of them have actively written letters supporting the legislation before us.

We also provided language to protect the State Teachers Retirement System in California, and I am happy you have endorsed that language today in this bill, and we crafted language with respect to the Catellus Corporation. You suggest some refinements to that

language, and if that can be done, meeting the overall framework that we have established here, I certainly have no problem with moving in that regard as well.

With respect to grazing, the original bill eliminated grazing in the East Mojave. This legislation, the one before us today, does not make a Park of the East Mojave, it puts it under Monument status under Park Service jurisdiction. I did that purposely with the consent of many of the supporters because I felt with Monument status we would be more able to deal with multiple-use issues that will automatically be involved on the East Mojave, but there again, even with that movement on my part, we are seeing no commensurate movement in that direction from any of those who have just steadfastly opposed the legislation, and I suspect if there isn't a movement then Senator Feinstein's position of making this a Park will prevail, although I personally would prefer to allow a little bit more multiple-use management than I think the generic Park Act will permit.

In that regard, I am very happy to note that you have offered somewhat of a compromise here yourself, Mr. Secretary, with respect to the Lanfair Valley to say that maybe we could set up a scheme whereby we can have a management plan for that area adopted and accepted by all the parties that might not necessitate some of the things that the generic Park Act will bring into play with the authority that the Park Service will have. But there again, it will take the cooperation of others if we are going to make that a reality here.

The defense issues in the bill which Mr. Vento has, which I believe is also before us today, have been adequately worked out, and again, the language that Senator Feinstein has in the Senate, if that is more suitable, it is fine with me over here as well in that regard.

But in all these issues during all the years I have been involved here, we have attempted to have an open door and to listen to all the parties involved and improve this legislation. That went up to as recently as two weeks ago when the mayors of Victorville and Barstow met with me in my Fresno office and discussed some proposed changes that they would like to see in the bill, or at least get some clarifications with respect to their water rights and issues like that, which I think we can move forward with if they are willing to do so.

Finally, with respect to the grazing issues that have come up here this morning, as I said, the original bill would not have allowed any grazing. We have worked out a scheme here whereby cattlemen, who are still not happy with this and will testify to that effect later, can continue their operations for 25 years. After such a period of time, they will not be able to use their leases, but they will in the meantime be given priority by you in possible purchase of the properties that they do own.

I don't like to look at this issue as a matter of how many of them there are. I think there are six cattle operations in the area. The fact is, they are private property owners on their own land. They have been there for a long time, some of them 100 years or more, and I disagree with my chairman, Mr. Vento, as to the degree of problems they have created, and you could make equal arguments

that by developing some of the water sources on the desert and other things that they have, in fact, probably enhanced the situation.

But maybe we can go further there, and maybe we ought to explore that, because I think they are a part of the West. I have attempted to do it in my legislation. I still don't have their support on it but have gone further in that regard than others were willing to go in the past.

There are other issues to be resolved. My problem has been, we have been doing them before just on our own without the help of the Department of the Interior, without the help of a lot of parties that ought to be involved. Now we have your assistance; I am very, very grateful for that.

I don't really have any questions today. I just want to tell you that I think we are entering a very crucial period now over the next couple of months when we move beyond the concept of protecting the desert into what will actually be in place in the legislation, and you and your successors will have to interpret, with the aid of the courts, I assume, over the next several years. I want to make sure we do it right, and I want to make sure that 30, 40, 50 years, or 100 years from now, people can look at this and say, "Boy, they did the right thing back then in the 1990s when they stood up and protected this very valuable resource" that you have so articulately described this morning.

Thank you.

Mr. VENTO. Mr. Doolittle, you are recognized for five minutes.

Mr. DOOLITTLE. Thank you, Mr. Chairman.

Mr. Secretary, following up on Mr. Calvert's question to you, what is the total cost estimate of implementing H.R. 518 as your figures reveal?

Secretary BABBITT. Congressman, I don't have that at my fingertips. It seems to me that the estimate, based upon direct acquisition of all in-holdings and claims I think was from $100 million to $300 million. Now, bear in mind that I don't think that that is an accurate cost of the approach that I would propose to take.

Mr. DOOLITTLE. You think it would be more than that?

Secretary BABBITT. I think it would be substantially less, because I believe that we could work out a plan that would avoid purchases in the Lanfair Valley, for example, which I think in terms of land values is the highest value area of private in-holdings.

Mr. DOOLITTLE. It is my understanding that just the provision of the bill that requires the Bureau of Land Management to examine each of the 25,700 mining claims within the area at $10,000 minimum per claim, that would be a cost alone of, what, $257 million simply for that part of it. That is the information that I have available. What is your understanding as to the cost of evaluating each of the 25,700 mining claims?

Secretary BABBITT. Well, sir, to my knowledge, we have not made that evaluation, and the reason is, there is no sense of urgency about that. There is still a mining claim in the heart of Grand Canyon National Park which has been there since 1919, owned by the Hearst Corporation, and to my knowledge nobody has ever evaluated it because there hasn't been any need to. I mean that is an entirely sort of theoretical approach.

Mr. DOOLITTLE. But I thought the bill required the evaluation.

Secretary BABBITT. Well, if it does, I would certainly be ready and willing to help in a redraft because I think a general mandate over time is fine, but I don't think it is necessary to do it in any mandated time frame.

Mr. DOOLITTLE. I am informed that Ed Hastey, the State director of BLM, is the one who has provided the estimates, at least $10,000 per evaluation, and I would just urge you to have your staff look into this, because it is my understanding the evaluation is required.

Secretary BABBITT. I would be quite happy to do that and to suggest some language that might obviate the need for that kind of approach if, in fact, that is what it does. I would be happy to do that.

Mr. DOOLITTLE. Where, sir, do you believe the money will come from to pay for the cost of implementing this bill, whatever they end up being, I guess somewhere in the range of $100, $200, $300 million?

Secretary BABBITT. Well, as I have explained, I have suggested language which I think could substantially alter those kinds of cost estimates, and the answer, of course, is that to the extent that cash outlays are needed rather than land exchanges, for example, the answer is the United States Congress.

Mr. DOOLITTLE. I find it interesting. We are always criticized as the Congress for placing some little pet project always ahead of dealing with the most pressing national problem fiscally, which is the deficit, and I hear you in essence saying the same thing: You know, the values in this desert land, which has been the training grounds for the military and produced so many minerals and everything for our State, that these are so valuable that we just have to subordinate the interests of senior citizens and children and everybody who hopes to have a future in this country to the need to acquire this land.

Why do we need to acquire this land? If we can't afford a space station, which I think we can't afford, and we can't afford a superconducting supercollider, how can we afford to buy more Government land? As I recall, the Federal Government already owns 46 percent of our land in California. I mean how does a member of the President's Cabinet—the President being committed to reducing the deficit—how do you reconcile those competing points of view?

Secretary BABBITT. Well, sir, that is the purpose of my testimony. I think that if we work this bill hard and intensively we can bring those estimates way down.

Mr. DOOLITTLE. I don't mean to be argumentative about this, but just to observe that this is a question of having to cut back in every area we can conceivably think of, and yet however much your estimates are as to what it is going to cost, suppose you cut it in half of what the estimates are, it is still arguably more money than we can honestly afford, given the priority of reducing the deficit, is it not?

Secretary BABBITT. There was an election in California which, in some measure, I think, was a referendum on this issue, and I would suggest that the people of California would dissent from

your position and that they would say this desert has extraordinary meaning and value not only for us but for future generations.

Mr. DOOLITTLE. Are you referring to the election of our two U.S. Senators?

Secretary BABBITT. That is correct.

Mr. DOOLITTLE. Well, I would strongly differ from your interpretation of that election as being a referendum on this issue.

Thank you, Mr. Chairman.

Mr. VENTO. I just would point out to the gentleman, Mr. Doolittle, that in 1991 CBO estimated the additional administrative costs would be as much as $30 million over five years, including the examination of unpatented mining claims, and CBO's estimate was, of course, based on the previous Administration's information. So I don't know where the number, $300 million, came from, but I want to certainly challenge that notion.

I did read over the study as to the validity of mining claims, and that really talks about whether or not they are patented and valid claims. It does say "including the estimated acquisition costs of such claims that are patented claims," not necessarily just claims, which of course is far different, as the Secretary and as the gentleman from California know.

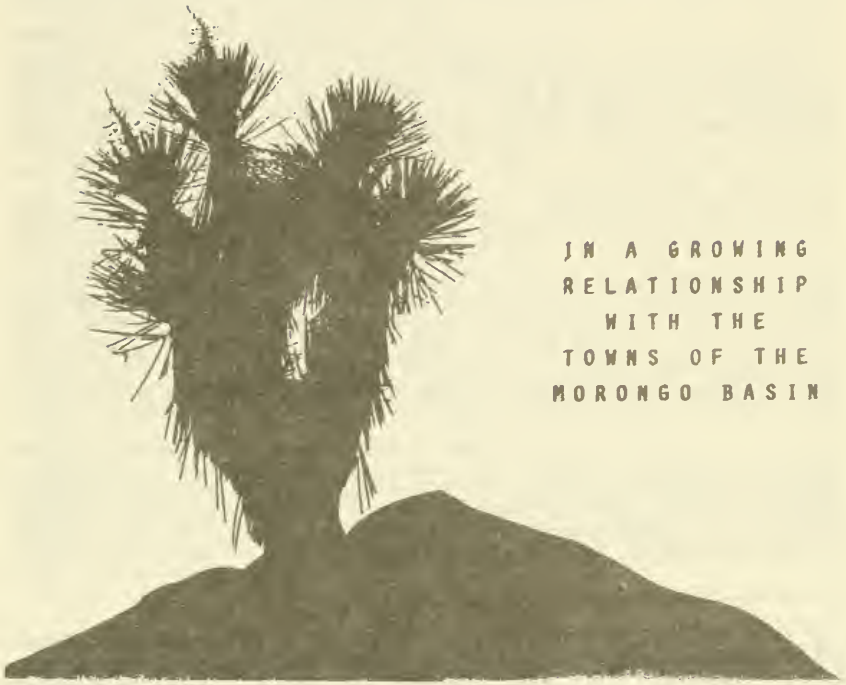
Mr. Lehman.

Mr. LEHMAN. Mr. Chairman, I just want to at this point insert in the record a study by the Park Service on the economic impacts and benefits of Joshua Tree National Park and a similar study on the economic impacts of Death Valley and just respond to Mr. Doolittle by saying we can't afford not to protect the California Desert. That is the real answer.

Mr. VENTO. Without objection, they will be added to the record.

[The studies follow:]

ECONOMIC PROFILE OF THE JOSHUA TREE NATIONAL MONUMENT



IN A GROWING RELATIONSHIP WITH THE TOWNS OF THE MORONGO BASIN

ECONOMIC PROFILE OF JOSHUA TREE NATIONAL MONUMENT

The purpose of this Economic Profile of the Joshua Tree National Monument is to describe the impact of how - and how much - the presence of the national park affects the Morongo Basin.

While the National Parks are not established to afford a profit to anyone, they do contribute a considerable amount of income to the towns nearby. State Route 62 brings visitors to the Joshua Tree National Monument directly through the Morongo Basin. This access offers exposure to the many facilities available in the towns which are situated along this northern park boundary. It is also apparent the properties within close proximity to the park borders enjoy the maintained values of a well placed neighborhood. In other words, National Parks and Monuments are natural "greenbelts" having a reputation of upgrading the values of adjacent lands.

Along the southern edge of the Morongo Basin, the National Park Service protects some 560,000 acres of the contrasting, picturesque vacation land which now draws over 1,150,000 visitors annually from all over the world. A polling of visitors in 1991 indicated 76% come from the State of California and 13% from foreign countries with the remaining vacationers traveling from all areas of the United States. Based upon this poll by the University of Idaho Cooperative Park Studies Unit, and sales of local park passes, we interpret our visitation to be composed of 74% non-local individuals. By non-local, we are indicating those who travel more than 50 miles to visit the Joshua Tree National Monument.

During this time of deep concern and attention to the national deficit, it is of interest to note how the public's tax dollars spent to protect, preserve, maintain and manage a park or monument provide a significant financial return to the local area. Some comprehensive statistics are presented which will show how those tax dollars affect the local economy.

Methods and Procedures Used In This Report

For this report, we have selected a model used to establish how parks generate money for profits, taxes and jobs for the local communities which was developed by the National Park Service's Denver Service Center (DSC), Statistical Office, with consultation from Dr. Dick Walsh, Outdoor Recreation Economist, Colorado State University. In this model we include the visitation statistics reported for Joshua Tree National Monument covering the year 1991. As mentioned above, we have also incorporated information developed by the Cooperative Park Studies Unit of the University of Idaho in their Report #39 "Visitor Services Project, Joshua Tree National Monument" of November 1991.

Expenditures by tourists, Federal Government, and outside parties all benefit the local areas. These include (1) new sales measured by increased purchases of goods and services; (2) increased sales tax and income tax revenues; and (3) jobs created at the park.

Income Generation - Primary and Secondary

Primary Income is defined as Direct Import Revenue (DIR). Expenditures were surveyed by the University of Idaho and the visitor average daily expenditure was developed at $31 per person. This amount then, was used for the Direct Import Revenue.

Secondary Income is a function of sales and salary income which arise from indirect and induced spending by tourists. Indirect impact occurs as travel industry business operators (such as restaurants) purchase goods (food and beverages) and services. Those supplying the restaurant must, in turn, purchase goods and services from their suppliers. This chain of buying and selling continues in the area until the initial traveler dollars completely dissipate out of the area through taxes, purchases from outside of the area, business savings and payment to employees.

Induced Spending is the result of the business employees and their suppliers spending part of their earnings in the area. This spending generates sales additional to the indirect impact. The sum of the indirect and induced effects comprises the total secondary impact of traveler expenditures in the area. The ratio of the sum of primary output generated (traveler spending less taxes) plus secondary output to initial expenditures is commonly termed the sales or output multiplier.

Deriving the secondary income multiplier for an area can be an expensive and drawn out process. Such multipliers generally range from 1.2 to 2.8. This report utilizes the average of 2.0 and Secondary Income is calculated by the formula: DIR times 2.0 equals Total Sales (TS) (direct and indirect which result from tourism and tourism support businesses).

Induced Spending occurs also through the expenditure of government salaries and purchases. This amount is the sum of basic park appropriated funds, National Park Service (NPS) project funds, NPS fire funds, construction funds, commercial use license payroll and association sales.

Total Secondary Impact comprises the sum of Total Sales (traveler expenditures) and Induced Spending (NPS salaries, contracts and purchases) in the Morongo Basin.

Tax Base Impact is the amount of dollars flowing into the tax base as a result of expended tourist dollars. It is derived in this report by the formula: TS times .25 (profit/salary multiplier) equals Net Import Revenue (NIR) times .14 (estimated tax rate) equals tax base added by tourism.

Job Base Impact was calculated by the model approach which allows a rather wide range of estimates between 10 and 50. As our visitation is somewhat varied during the year, a lower figure of 20 was selected rather than the average.

The methodology and procedures are a very conservative estimate of the contribution of this National Monument to the Morongo Basin. We have selected the Denver model upon which to build our presentation showing the contribution of the Monument to the local area because of it produces an easy to follow, clear and factual report.

ANALYSIS

During 1991 a total of 1,150,026 people visited Joshua Tree National Monument. In the Idaho survey it was found their contribution in direct import revenue was $26,381,596 and generated $52,763,196 in total sales benefits from direct and indirect tourism induced sales.

Futher benefit to the local area is derived from Secondary Income through sales and salary income arising from indirect and induced spending by tourists and the National Park Service. This is shown as $4,331,206 additional park related funds disbursed into the Morongo Basin.

MORE ANALYSIS TO BE DEVELOPED

Please direct comments on this report to:
Kathy Tustanowski-Marsh, Administrative Officer
Joshua Tree National Monument
Phone 619/367-6376

WORKSHEETS

FROM DENVER

MODEL

WORKSHEET #1 ECONOMIC BENEFITS RESULTING FROM PARK VISITOR EXPENDITURES

A. SALES BENEFITS FROM TOURISM: Dollar value of goods and services purchased in the local area.

1. Enter the estimated NON-LOCAL PERCENT of park use. .74 (74%)
2. Look up the annual RECREATION VISITOR-DAY volume. (From annual NPS Statistical Abstract) 4,150,026
3. Enter the average daily EXPENDITURES PER PERSON. (May use AAA data from Appendix A if other information is not available) 31.00
4. Calculate DIRECT SALES. (1) x (2) x (3) 26,381,596
5. Enter the estimated INDIRECT & INDUCED SALES MULTIPLIER. (Range is 1.2 - 2.8; avg = 2.0) 2.0
6. Calculate TOTAL SALES BENEFITS FROM TOURISM. (4) x (5) 52,763,193

B. TAX REVENUE BENEFITS FROM TOURISM

1. Enter TOTAL SALES from A.6 above. 52,763,193
2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. .0775
3. Calculate INCREASED SALES TAX REVENUES. (1) x (2) 4,089,147
4. Enter TOTAL SALES from A.6 above. 52,763,193
5. Enter the TAXABLE INCOME RATIO (i.e., taxable portion of salaries & business profits: range is 0.2 - 0.6; avg. = 0.3) .25
6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. .14
7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) 1,846,712
8. TAX REVENUE BENEFITS from tourism. Add (3) + (7) 5,935,859

C. JOB BENEFITS FROM TOURISM

1. Enter TOTAL SALES from A.6, expressed in millions of dollars. ($5,600,000 of total sales = $5.6) 52.7
2. Estimate multiplier for JOBS CREATED PER MILLION DOLLARS of total sales. (Range is 10 - 50; avg. = 30) 20
3. Calculate new JOBS CREATED by tourism. (1) x (2) 1,054

WORKSHEET #2 ECONOMIC BENEFITS RESULTING FROM FEDERAL GOVERNMENT EXPENDITURES FOR PARK RELATED ACTIVITIES

A. SALES BENEFITS FROM FED. GOVT. EXPENDITURES: Dollar value of goods & services purchased in local area by Fed. Govt. spending.

1. DIRECT SALES equal to total amount of park-related Fed. Govt. expenditures that are spent in the local area. #2165,603

2. Estimated INDIRECT & INDUCED SALES MULTIPLIER. (May be higher than number used in Step A.5 in the tourism Worksheet #1. Range is 1.2 - 2.8; avg. = 2.0) 2.0

3. Calculate TOTAL SALES BENEFITS from federal government expenditures. (1) x (2) #4,331,206

B. TAX REVENUE BENEFITS FROM FED. GOVT. EXPENDITURES:
The following steps are discussed in text Section I. B.

1. Enter TOTAL SALES BENEFITS (Fed. Govt) from A.3 above. #4,331,206.

2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. (Same as B.2 for Tourism from Worksheet #1) .0775

3. Calculate INCREASED SALES TAX REVENUES. (1) X (2) #335,668

4. Enter TOTAL SALES BENEFITS (Fed. Govt) from A.3 above. #4,331,206

5. Enter the TAXABLE INCOME RATIO (i.e., taxable portion of salaries & business profits: range is 0.2-0.6; avg. = 0.3). .25

6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. (Same as B.6 from Worksheet #1) .14

7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) #151,592

8. TAX REVENUE BENEFITS from Fed. Govt. expenditures. Add (3) + (7) #487,260

C. JOB BENEFITS FROM FED. GOVT. EXPENDITURES

1. Enter the TOTAL SALES (Fed. Govt.) from A.3, above, expressed in millions ($5,600,000 = $5.6). 4.3

2. Estimate the multiplier for new JOBS CREATED PER MILLION DOLLARS OF total sales. (Same as C.2 from Worksheet #1) 20

3. Calculate the new JOBS CREATED by Fed. Govt. expenditures. (1) x (2) 86

WORKSHEET #3 ECONOMIC BENEFITS RESULTING FROM PARK-RELATED EXPENDITURES BY OTHER NON-LOCAL PARTIES

N/A

A. SALES BENEFITS FROM 'OTHER' EXPENDITURES

1. Enter DIRECT SALES which are expenditures by non-local parties to purchase goods & services connected with park related activities, such as construction of State access roads to the park, motel chain construction projects, concessioner capital improvements, etc.; does not include tourism expenditures or Fed. Govt. expenditures. _____

2. Enter the estimated INDIRECT & INDUCED SALES MULTIPLIER. (Same as A.5 from Tourism Worksheet #1) _____

3. Calculate the TOTAL SALES BENEFITS from expenditures by "other" non-local parties. (1) x (2) _____

B. TAX REVENUE BENEFITS FROM 'OTHER' EXPENDITURES
The following steps are discussed in text Section I. B.

1. Enter TOTAL SALES ("Other" non-local) from A.3 above. _____

2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. (Same as B.2 from Tourism Worksheet #1) _____

3. Calculate the INCREASED SALES TAX REVENUES. (1) x (2) _____

4. Enter TOTAL SALES BENEFITS ('other') from A.3 above. _____

5. Enter the TAXABLE INCOME RATIO. (Same as B.5 from Worksheet #1) _____

6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. (Same as B.6 from Worksheet #1) _____

7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) _____

8. TAX REVENUE BENEFITS from expenditures by "other" non-local parties. Add (3) + (7) _____

C. JOB BENEFITS FROM "OTHER" EXPENDITURES

1. Enter TOTAL SALES ("Other" non-local) from A.3 above expressed in millions ($5,600,000 = $5.6). _____

2. Estimate the multiplier for new JOBS CREATED PER MILLION DOLLARS of total sales. (Same as C. 2 from Worksheet #1)_____

3. Calculate the new JOBS CREATED by expenditure of "Other" non-local parties. (1) x (2) _____

WORKSHEET #4 SUMMARY OF ECONOMIC BENEFITS ATTRIBUTABLE TO THE PARK FROM THE COMBINED EFFECTS OF VISITOR EXPENDITURES, FEDERAL GOVERNMENT EXPENDITURES, AND OTHER NON-LOCAL PARTIES' EXPENDITURES

A. COMBINED SALES BENEFITS

Worksheet #1, Item A.6, plus	$52,763,193	
Worksheet #2, Item A.3, plus	4,331,206	
Worksheet #3, Item A.3 equals:	0	
		$57,094,399

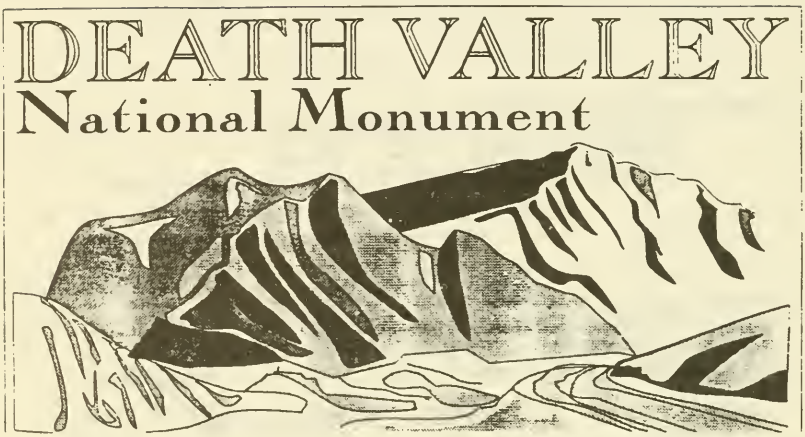
B. COMBINED INCREASED TAX REVENUE BENEFITS

Worksheet #1, Item B. 8, plus	$5,935,859	
Worksheet #2, Item B. 8, plus	487,260	
Worksheet #3, Item B. 8 equals:	0	
		$ 6,423,119

C. COMBINED NEW JOBS CREATED

Worksheet #1, Item C. 3, plus	1054	
Worksheet #2, Item C. 3, plus	86	
Worksheet #3, Item C. 3 equals:	0	
		1140

ECONOMIC PROFILE



And Relationship with the Eastern California and Western Nevada Communities

ECONOMIC PROFILE OF DEATH VALLEY NATIONAL MONUMENT

This economic profile was developed to assess the impact of Death Valley National Monument on the local economy of eastern California and western Nevada. The following narrative provides background and descriptive information on the Death Valley area. It also expands on the attached economic model used to develop the contribution of Death Valley National Monument to the local economy. While National Parks are not established with a profit motive in mind, they do contribute considerably to the income of their surrounding neighbors. It is also recognized that properties within close proximity to park boundaries enjoy the maintained values equivalent to a well placed neighborhood, and often the upgraded values associated with scenic vistas and recreational opportunities.

The regional setting for Death Valley National Monument is the interface of the Mojave and Great Basin deserts. The area is a vast arid land of parallel structural valleys and mountain ranges trending northwest/southeast. All drainages are into Death Valley terminating in barren below sea level salt flats while the higher elevations, to 11,049 feet, are forested with pinyon pine, juniper, and bristlecone pine. Death Valley is a dynamic geological museum containing diverse and fragile ecosystems of plant, animal, and cultural dimensions.

Although about 91 percent of the monument's 2,067,793 million acres lie in Inyo County of California, Death Valley also includes lands in San Bernardino County of California and Nye and Esmeralda counties of Nevada.

Inyo County is the second largest county in California with 10,140 square miles, yet has an estimated population of only 18,160 (1990). This sparse population combined with the unique features, natural and cultural resources, and recreational opportunities provided on its extensive Federal, State, and County reservations have created a long standing economic foundation and tax base of revenues related to the tourism industry rather than a metropolitan/urban economy.

Inyo County is heavily dependent upon the travel industry and visitors drawn to the recreational opportunities of the eastern slope of the Sierra Mountains and the more arid deserts stretching out to the California/Nevada border.

Visitation in Death Valley has been increasing for the past ten years. With the mild winter climate and the extreme temperatures of summer, Death Valley has a long winter visitation season that compliments the summer visitation of the high Sierra of western Inyo County. The biggest recent change is a marked increase in visitation during the summer and "shoulder" seasons. We expect to reach one million visitors in 1993 or the following year.

California Highway 190, entirely in Inyo County, bisects Death Valley east to west. It begins near the Nevada state line in the east and its western terminus is at California Highway 395, a heavily traveled route along the Eastern Sierra where the Inyo National Forest affords excellent hiking, camping and skiing, and is a year-round visitor destination. The eastern terminus for Yosemite's Tioga Pass is also Highway 395, just north of Inyo County.

Visitors from Southern California may travel to Death Valley from the southeast via Baker or from the southwest via Mojave. Death Valley visitation is a major contributor to the local economy of Shoshone, California in Inyo County, and certainly benefits the economies of both Ridgecrest and Trona in Kern and San Bernardino Counties.

Another major travel route is Nevada Highway 95 from Las Vegas and Reno, Nevada through Death Valley to the Eastern Sierra and the balance of California. Although there is little economic value to the immediately adjacent California towns, the gateway communities of Tonopah and Beatty, Nevada do derive benefit from travel along these routes.

Without Death Valley National Monument as a destination from Southern California and those choosing to travel through Death Valley between Nevada and California, Highway 190 would not be a major travel artery with the associated high traffic volume or the high level of construction/maintenance it currently receives. Most traffic would remain on the northern routes past Tonopah/Reno or the southern route of Interstate 15. We may easily infer that the monument's presence significantly affects the level of travel through the Death Valley area and likewise the economic benefit of tourism to local communities.

In addition to National Park Service campgrounds and other visitor facilities and resources, Death Valley National Monument also provides lodging accommodations and related services. The private inholding of the Furnace Creek Ranch and Inn complex includes lodging, dining and beverage facilities, general store, gift shops, service station, stables, golf course, tennis courts, and swimming pool. The contract concession operation at Stove Pipe Wells Resort has smaller but similar facilities (sans stables, golf course, and tennis courts). Another concession operation at Scotty's Castle includes a snack bar and gift shop.

Our fall and winter visitors are generally US citizens, primarily older persons camping with recreational vehicles, and their stay is longer. In the spring, this older group is augmented significantly by families and college age visitors during holidays, spring vacations, or weekend visits from those within a day's drive of the monument. In addition to the high camper population, lodging accommodations are frequently fully booked well in advance, particularly for holiday periods and during the pleasant desert spring weather.

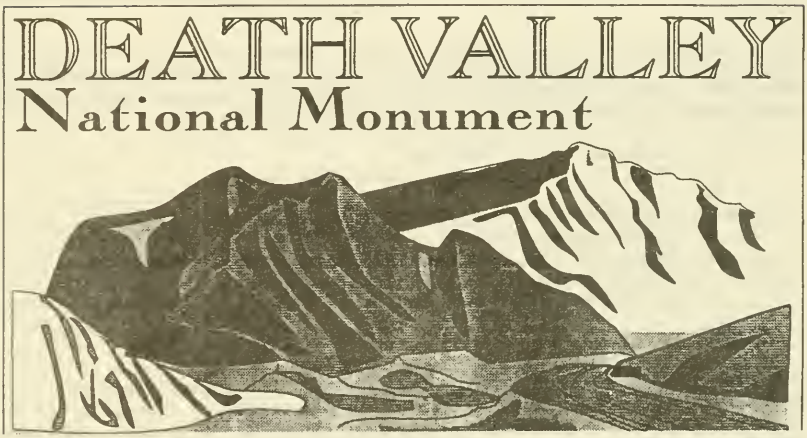
Summer visitors to Death Valley are primarily foreign citizens, mainly from Europe and Japan. These visitors travel through Death Valley from Yosemite to Grand Canyon on the "National Park Circuit." Inyo County benefits greatly as the route is south along Highway 395 from Tioga Pass, which generally opens around Memorial Day weekend, to Highway 190 and through Death Valley National Monument. Some are driving self-contained recreational vehicles, many travel on organized bus tours. However, some are unprepared for the heat and arrive without basic survival supplies or even room reservations. Furnace Creek Ranch, a private inholding within Death Valley, frequently opens rooms at their winter-season hotel, Furnace Creek Inn, to accommodate the overflow. The park concession operations at Stove Pipe Wells Resort and Scotty's Castle have experienced a like increase in trade during the summer season.

To provide for the protection of Death Valley's resources, maintenance of physical facilities, and visitor accommodations and services, the following employment levels reflect the resident population of Death Valley National Monument:

100	National Park Service
40	Park Concessioners: Stove Pipe Wells
10	Scotty's Castle
400	Private Inholding Furnace Creek Ranch & Inn
5	Inyo County (School & Sheriff)
6	State of California (CALTRANS & CHP)
17	Death Valley Natural History Association
4	US Postal Service
582	

The employees in Death Valley also contribute to the economy of the surrounding communities. They do their primary shopping in Las Vegas, Nevada, or Bishop, California (Inyo County) or Ridgecrest, California (Kern County) depending upon their inclination or other obligations outside the valley. All are about the same distance (100-160 miles) from the main headquarters area where the majority of employees live. Tonopah, Nevada is the closest community (85 miles) for employees living at Scotty's Castle, although many of those employees also shop in Bishop, California and Las Vegas, Nevada.

With the current concern and attention given to the economy and the national deficit, it is of interest to note how the public's tax dollars spent to protect, preserve, maintain and manage a park or monument as well as the provision of accommodations and services for visitors to a park area, provide a significant financial return to the economic strength and stability of the local area. The following section of this report and the attached worksheets present a statistical model of how those tax dollars benefit the local economy.


DEATH VALLEY
National Monument

MONEY GENERATION MODEL
DEATH VALLEY NATIONAL MONUMENT

Method of Procedures Used In This Report

For this report we have selected a model, developed by Dr. Ken Hornback of the National Park Service Center Statistical Office, to estimate economic benefits, in the form of profits, taxes and jobs of parks, to local communities. In this model we include the visitation statistics reported for Death Valley National Monument covering the year 1992. We have also incorporated visitor survey information as developed by the Cooperative Park Studies Unit of the University of Idaho in their Visitor Services Project Report #34 based on a Visitor Survey conducted in July 1990; and a subsequent Visitor Survey conducted in February 1991 sponsored by the Death Valley Natural History Association in cooperation with the University of Idaho.

Expenditures by tourists, Federal Government, and outside parties all benefit the local areas. These include sales benefits measured by increased purchases of goods and services; increased sales tax and income tax revenues; and jobs created at the park.

In addition to the economic benefits calculated on the attached Economic Profile worksheets, Death Valley National Monument also pays various fees to California and Inyo County for such operations as a landfill. Although our economic profile figures reflect benefits generated within the Economic Study Model's one-hundred mile radius "local community," the isolation of the Death Valley area requires traveling beyond the one-hundred mile radius to obtain support materials and contractors. An additional one million+ dollars of actual Federal expenditures for park related activities beyond what is reflected in Worksheet #2 benefits the economies of such urban areas of Las Vegas, Nevada and other cities in southern California or other states.

The methodology and procedures of this model produce a very conservative estimate of the contribution of Death Valley National Monument to California and Nevada communities. The variables we used in the following model worksheets are noted below:

WORKSHEET #1

A. Sales Benefits From Tourism, Worksheet #1

A.2 Recreation Visitor-Day

Although the monument recorded annual visitation in excess of 900,000 in 1992, for the purpose of this report, the total number of recreational visitor hours divided by 12 was used to arrive at the recreation visitor day figure. These statistics are compiled from the monthly use report.

A.3 Expenditures per Person:

We have reduced the daily American Automobile Association cost estimate for California of $74.70 to $65. Our two visitor surveys tell us that most winter visitors are American, have been here before and tend to stay several days in recreational vehicles. The majority of summer visitors are foreign, are visiting for the first time, and tend to stay one day in motels (with air conditioning).

A.5 Estimated Indirect and Induced Sales Multiplier:

Smaller and more isolated areas, generally, have lower multipliers because support spending for goods and services usually will be made outside the local trading area, e.g., vendors and suppliers will be non-locals. The more diverse the activities for visitors and the greater their volume, generally, the higher the multiplier since more people and businesses will be involved. The multiplier range is 1.2 to 2.8 and averages 2.0.

We used 1.2 because it is over 100 miles to supply points and our recreational activities are not diverse.

B. Tax Revenue Benefits From Tourism, Worksheet #1

Tax benefits refer to the additional local tax revenues that result from dollars that flow into the local economy from outside sources because of the park, i.e., taxes that are attributable to expenditures by non-local park visitors. This model considers only two of a variety of tax benefits of parks: increased sales tax revenues and increased income tax revenues.

B.5 Taxable Income Ratio

The taxable income ratio is the taxable portion of salaries and business profits. Studies indicate this multiplier has a range of 0.2 to 0.6, and averages 0.3. We used 0.2.

C. Job Benefits From Tourism

C.1 Jobs Created Per Million Dollars

Studies indicate jobs vary with the volume of sales. For the tourism industry, the number of jobs created per million dollars in total sales has been found to range from 10 to 50 with an average of 30. Rural towns tend to have a larger number of jobs created per million dollars of sales than do larger cities where sales per employee tend to be higher.

Due to our distances from local communities and development restrictions within the monument, a lower figure of 15 was selected rather than the average.

The Economic Benefits of Park-Related Federal Government Expenditures

Direct Federal Government spending on salaries, equipment, utilities, supplies, and contracts by the park also creates local community benefits in the form of additional sales, tax revenues, and jobs. Moreover, the tangible benefits of park spending occur year-round and, therefore, make a steady contribution compared to seasonal tourism. Park spending also involves people and businesses that otherwise might not benefit from tourism, e.g., office product sales and services, landscaping, construction, etc.

Although direct park purchases for supplies and equipment, for example, often are exempt from most sales taxes, parks may make a variety of indirect contributions to local governments. Death Valley National Monument makes direct contributions to the State of California and Inyo County in the form of payments in lieu of taxes which are intended to offset the effects of services needed by the traveling public or by park employees and provided by local government, but which are difficult to support from the existing tax base. Year-round National Park Service employees residing in Death Valley National Monument are subject to a special "possessory use tax" in lieu of property taxes, which is reimbursed by the National Park Service.

Death Valley National Monument also engages in cooperative agreements with local communities to provide mutual support that includes public protection and emergency medical assistance, fire fighting, road patrol, shared use of facilities, etc.

WORKSHEET #2

A. Federal Government Spending, Worksheet #2

A.1 Direct Sales equal to total amount of park-related Federal Government expenditures that are spent in the local area.

This figure includes salaries paid to employees and local spending to such vendors as utility companies. An additional $1.2 million of actual Federal expenditures for park related activities benefits the economies of Las Vegas, Nevada and other cities in Southern California or other states for materials, contractors and support services.

A.2 Estimated Direct and Induced Sales Multiplier

The range is 1.2 to 2.8 and averages 2.0. We have used the average.

B. Tax Revenue Benefits From Federal Government Expenditures, #2

B.5 Taxable Income Ratio

The range of the taxable portion of salaries and business profits is 0.2 to 0.6 and averages 0.3. We used 0.2.

WORKSHEET #3

This worksheet refers to the economic benefits resulting from park-related expenditures by other non-local parties.

Capital investment in concessioner operated buildings and privately owned buildings would be included on this worksheet. The private inholding, Furnace Creek Ranch and Inn, makes substantial capital investment in their property each year, however, these figures are not available to us, as it is not public information.

Data is available for the concession operation through the Building Improvement Fund records, however, we felt that listing this without the private inholding information would not be useful.

Summary

During 1992 over 900,000 people visited Death Valley National Monument. This model indicates $57,969,180 in generated sales is attributable to the combined effects of direct visitor spending and Federal Government expenditures. The combined increased tax revenue benefits are $4,933,176 and 870 jobs created.

If the additional $1.2 million in Federal Government expenditures directed beyond a 100 mile radius were included, combined generated sales would be $60,369,170; increased tax revenue benefits would be $5,137,416; and the number of jobs created increased to 885.

Capital improvement expenditures were not available and have not been included.

The variables used in this model has produced a conservative estimate of the contribution of Death Valley National Monument to California and Nevada communities.

WORKSHEET #1 ECONOMIC BENEFITS RESULTING FROM PARK VISITOR EXPENDITURES

A. SALES BENEFITS FROM TOURISM: Dollar value of goods and services purchased in the local area.

1. Enter the estimated NON-LOCAL PERCENT of park use. 100%
2. Look up the annual RECREATION VISITOR-DAY volume. (From annual NPS Statistical Abstract) 656,015
3. Enter the average daily EXPENDITURES PER PERSON. (May use AAA data from Appendix A if other information is not available) 65.00
4. Calculate DIRECT SALES. (1) x (2) x (3) 42,640,975
5. Enter the estimated INDIRECT & INDUCED SALES MULTIPLIER. (Range is 1.2 - 2.8; avg = 2.0) 1.2
6. Calculate TOTAL SALES BENEFITS FROM TOURISM. (4) x (5) 51,169,170

B. TAX REVENUE BENEFITS FROM TOURISM

1. Enter TOTAL SALES from A.6 above. 51,169,170
2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. .0775
3. Calculate INCREASED SALES TAX REVENUES. (1) x (2) 3,965,610
4. Enter TOTAL SALES from A.6 above. 51,169,170
5. Enter the TAXABLE INCOME RATIO (i.e., taxable portion of salaries & business profits: range is 0.2 - 0.6; avg. = 0.3) 0.2
6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. .038
7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) 388,886
8. TAX REVENUE BENEFITS from tourism. Add (3) + (7) 4,354,496

C. JOB BENEFITS FROM TOURISM

1. Enter TOTAL SALES from A.6, expressed in millions of dollars. ($5,600,000 of total sales = $5.6) 51.2
2. Estimate multiplier for JOBS CREATED PER MILLION DOLLARS of total sales. (Range is 10 - 50; avg. = 30) 15
3. Calculate new JOBS CREATED by tourism. (1) x (2) 768

WORKSHEET #2 ECONOMIC BENEFITS RESULTING FROM FEDERAL GOVERNMENT EXPENDITURES FOR PARK RELATED ACTIVITIES

A. SALES BENEFITS FROM FED. GOVT. EXPENDITURES: Dollar value of goods & services purchased in local area by Fed. Govt. spending.

1. DIRECT SALES equal to total amount of park-related Fed. Govt. expenditures that are spent in the local area. 3,400,000

2. Estimated INDIRECT & INDUCED SALES MULTIPLIER. (May be higher than number used in Step A.5 in the tourism Worksheet #1. Range is 1.2 - 2.8; avg. = 2.0) 2.0

3. Calculate TOTAL SALES BENEFITS from federal government expenditures. (1) x (2) 6,800,000

B. TAX REVENUE BENEFITS FROM FED. GOVT. EXPENDITURES:
The following steps are discussed in text Section I. B.

1. Enter TOTAL SALES BENEFITS (Fed. Govt) from A.3 above. 6,800,000

2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. (Same as B.2 for Tourism from Worksheet #1) .0775

3. Calculate INCREASED SALES TAX REVENUES. (1) X (2) 527,000

4. Enter TOTAL SALES BENEFITS (Fed. Govt) from A.3 above. 6,800,000

5. Enter the TAXABLE INCOME RATIO (i.e., taxable portion of salaries & business profits: range is 0.2-0.6; avg. = 0.3). .2

6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. (Same as B.6 from Worksheet #1) .038

7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) 51,680

8. TAX REVENUE BENEFITS from Fed. Govt. expenditures. Add (3) + (7) 578,680

C. JOB BENEFITS FROM FED. GOVT. EXPENDITURES

1. Enter the TOTAL SALES (Fed. Govt.) from A.3, above, expressed in millions ($5,600,000 = $5.6). 6.8

2. Estimate the multiplier for new JOBS CREATED PER MILLION DOLLARS OF total sales. (Same as C.2 from Worksheet #1) 15

3. Calculate the new JOBS CREATED by Fed. Govt. expenditures. (1) x (2) 102

Information not available

WORKSHEET #3 ECONOMIC BENEFITS RESULTING FROM PARK-RELATED EXPENDITURES BY OTHER NON-LOCAL PARTIES

A. SALES BENEFITS FROM 'OTHER' EXPENDITURES

1. Enter DIRECT SALES which are expenditures by non-local parties to purchase goods & services connected with park related activities, such as construction of State access roads to the park, motel chain construction projects, concessioner capital improvements, etc.; does not include tourism expenditures or Fed. Govt. expenditures. _____

2. Enter the estimated INDIRECT & INDUCED SALES MULTIPLIER. (Same as A.5 from Tourism Worksheet #1) _____

3. Calculate the TOTAL SALES BENEFITS from expenditures by "other" non-local parties. (1) x (2) _____

B. TAX REVENUE BENEFITS FROM 'OTHER' EXPENDITURES
The following steps are discussed in text Section I. B.

1. Enter TOTAL SALES ("Other" non-local) from A.3 above. _____

2. Enter COMBINED STATE & LOCAL RETAIL SALES TAX RATE. (Same as B.2 from Tourism Worksheet #1) _____

3. Calculate the INCREASED SALES TAX REVENUES. (1) x (2) _____

4. Enter TOTAL SALES BENEFITS ('other') from A.3 above. _____

5. Enter the TAXABLE INCOME RATIO. (Same as B.5 from Worksheet #1) _____

6. Enter the COMBINED STATE & LOCAL INCOME TAX RATE. (Same as B.6 from Worksheet #1) _____

7. Calculate INCREASED INCOME TAX REVENUE. (4) X (5) X (6) _____

8. TAX REVENUE BENEFITS from expenditures by "other" non-local parties. Add (3) + (7) _____

C. JOB BENEFITS FROM "OTHER" EXPENDITURES

1. Enter TOTAL SALES ("Other" non-local) from A.3 above expressed in millions ($5,600,000 = $5.6). _____

2. Estimate the multiplier for new JOBS CREATED PER MILLION DOLLARS of total sales. (Same as C. 2 from Worksheet #1)_____

3. Calculate the new JOBS CREATED by expenditure of "Other" non-local parties. (1) x (2) _____

WORKSHEET #4 SUMMARY OF ECONOMIC BENEFITS ATTRIBUTABLE TO THE PARK FROM THE COMBINED EFFECTS OF VISITOR EXPENDITURES, FEDERAL GOVERNMENT EXPENDITURES, AND OTHER NON-LOCAL PARTIES' EXPENDITURES

A. COMBINED SALES BENEFITS

Worksheet #1, Item A.6, plus
Worksheet #2, Item A.3, plus
Worksheet #3, Item A.3 equals: 57,969,170

B. COMBINED INCREASED TAX REVENUE BENEFITS

Worksheet #1, Item B. 8, plus
Worksheet #2, Item B. 8, plus
Worksheet #3, Item B. 8 equals: 4,933,176

C. COMBINED NEW JOBS CREATED

Worksheet #1, Item C. 3, plus
Worksheet #2, Item C. 3, plus
Worksheet #3, Item C. 3 equals: 870

Mr. VENTO. We will be in recess and return after this vote, at which time we will recognize the members of the committee and then the nonmembers of the committee after all members have been recognized.

We will be in recess.

[Recess.]

Mr. VENTO. The subcommittee will resume its sitting.

I would just direct the Members to pages 42 and 43 of the bill as introduced by Mr. Lehman and others. It relates to the issue of the validity of unpatented mining claims and mill sites and procedures to make a validity determination. Obviously, it does not require evaluation of such claims unless they are at that point of seeking approval of a plan of operation.

I think this whole issue, incidentally, of claims and how we treat them might be a matter in terms of public land management that should and could be resolved—if I could get the attention of the gentleman from California, whom I hadn't talked to about this—in terms of how we resolve some of these claim issues as we change the general policy, so we don't face the types of problems and the potential open-ended problem that we have as an example in lands that have subsequently been designated as National Parks.

I guess some of these issues, in some sense, are better left alone, but I think unless we get some sort of a policy or if there is an easy read on that, I would like to work with the gentleman from California, Mr. Lehman, and the Secretary in terms of resolving that generally, on the whole issue of the mining law, and especially as they affect lands that are set aside for conservation purposes, such as wilderness areas and/or national recreation areas in the Department of Agriculture.

All members of the committee have been recognized. I will recognize the gentleman from California, Mr. McCandless, for five minutes.

OPENING STATEMENT OF HON. ALFRED McCANDLESS

Mr. MCCANDLESS. Thank you very much, Mr. Chairman, and thank you for the courtesy of letting us participate.

Mr. Secretary, I was born with sand in my shoes and I will probably die with sand in my shoes, and between those two dates I have learned to respect where the sand came from.

Secretary BABBITT. Well, all I can say is, it is not a bad way to live, and it is probably not a bad way to go either.

Mr. MCCANDLESS. Thank you.

One of the things that concerns me and my colleague, and I have a lot of respect for Mr. Lehman, is his use of the word "compromise." Certainly, politics is the art of compromise. The problem I have is with what we have in H.R. 518, in the way of proposed wilderness areas, be they pristine or otherwise. When you travel these areas, it is clear that many do not represent the definitions of wilderness under current law, namely the wilderness act of 1964, or that reality on the ground.

For example, in the Oronocos, the well-established routes there have been traveled by four-wheel drive, by two-wheeled vehicles, and so forth, for over 60 years, 70 years, even more. Now you have a well-established desert road, not a trail but a road, and that par-

ticular area is indicative of a lot of what is referred to as wilderness areas as proposed in the bill before us.

The Wilderness Act of 1964 defines wilderness as follows: a place "untrammeled by man, where man himself is a visitor who does not remain."

The point here is that this bill has taken various elements of the desert area and have decided, for whatever reason, that these shall represent wilderness when, in fact, they really do not. So, that arbitrarily elevates the total number of acres involved well beyond that of the desert bills which I have cosponsored; or those which we currently have on the books.

That is a statement. Now, I have a question for you. When you talked about land use, I was interested in your comment relevant to a valley in San Bernadino County where you said, if we could arrive at some kind of a land use plan here that would be acceptable by the County of Riverside, then we would have a possibility of designating it as something other than wilderness.

In your mind, under the California Environmental Quality Act, could this same thing be done for the balance of the areas which are addressed by the California Environmental Quality Act and the counties involved by designating certain areas under that California Environmental Quality Act, wilderness, et cetera, et cetera, which may or may not be in the plan?

Secretary BABBITT. Congressman, I think that any designation, virtually any designation, of land by this Congress involves sorting out a whole bundle of possible economic uses. The Wilderness Act, for example, allows grazing to continue, and therefore it isn't a total withdrawal. Essentially, in my judgment, in an area like this, wilderness is a mining withdrawal as a practical matter, because if a rancher has his water improvements in, in a way wilderness, I would argue, works to the advantage of a lot of livestock operators because it protects their use in the process of excluding other uses.

There are, I think, if you look through Federal land use designation, an enormous variety of possible kinds of designation. It is, in fact, what we tried with the efforts of Secretary Andrus in this area in the late 1970s.

So I suppose theoretically you could draft or fit this land into any one of many kinds of categories, but I think whatever category you are moving to because of the unique nature of this land, you have to address head on these issues, all the multiple-use issues, whether it is mining, off-road vehicles, hunting, grazing, whatever. The one thing that National Park status does is preempt virtually all of those uses in favor of a Park use.

Mr. MCCANDLESS. We have such a vast area that obviously to manage it properly and oversee and to enforce whatever comes down the pike in the way of a law is going to take considerably more resources, if it is going to be productive, than we currently have available.

When you take areas which are of questionable wilderness quality and place them in a category that is going to require an intense policing effort, you are going to require also additional resources in order to do that. My concern is, as you had pointed out in your comments, when we talk about 15 million people on the coastal

plain, mostly working people, who use these areas as a recreational outlet with their families, and by and large they are all responsible people who enjoy and utilize the desert in the manner in which it was intended, and we reduce the availability of the area, not because it is actually pristine, but because it is designated as such on a map, how do we handle this recreational aspect, which the people are entitled to, of public lands?

Secretary BABBITT. Well, sir, during my time out there, I stopped at Kelso Dunes and did a fairly unscientific user survey. I actually started in the parking lot and walked to each group that I could find who were parking cars who were on the trail up at Kelso Dunes and introduced myself. Many of them seemed skeptical as to whether or not I was really the Secretary of the Interior, but nonetheless I did question them all quite closely as to what it is they were doing there, where they were from, and what their expectations were.

One of them actually was there for the sole purpose of watching the fringe-toed lizard. I just want to report that to you, because I had never discovered anyone actually in pursuit of the fringe-toed lizard. Others were out there picnicking, taking pictures. I would say that 90 percent of the people I talked to were there for what I would call park uses—not all of them, and not all of them were in agreement, but I think that the vast majority of the users right now seem to be saying to me, "We view this as something like a park, and that's why we are here."

Mr. MCCANDLESS. Very quickly—and the chairman is being very patient with me—we have the area of the South Algodones Dunes in Imperial County, a very heavily used off-road vehicle area with little or no wilderness value to it at all, yet this is proposed as a part of the wilderness area. It is a principal recreational area for virtually thousands of people during the year who like the dune buggy, like to hear that engine scream, because they are screamed at all week by somebody and now they can let off some steam on the weekend, and then the next week they are ready to go back to their jobs. What value is there in having that put in a wilderness area?

Secretary BABBITT. Well, sir, if I may, I guess I would turn the question around. First of all, I believe we ought to have designated areas of sand dunes for ORV users. Not for consumption outside this room, I will tell you that I have spent a not inconsiderable amount of time driving on sand dunes in dune buggies. It is a terrific high; it really is; it is great fun.

I have spent a fair amount of time with Ed Hastey and the others saying, "Do we have adequate areas marked off in the BLM plan?" and I think we do down in that area. I haven't spent any specific time on Algodones, but I don't think we are taking away the last area, and I would oppose that.

Mr. MCCANDLESS. There needs to be a review of that.

Secretary BABBITT. Okay. That is fair enough.

Mr. MCCANDLESS. My last question—thank you, Mr. Chairman—my good colleague, Mr. Lehman, whom I have respect for, talked earlier about compromise, and I opened my comments with that. I was very close to the 1976 advisory group. In fact, I would have been a member, except as a member of the board of supervisors I

had other requirements in Riverside County, and so Clayton Record, who is a four-wheel drive enthusiast, represented the county and later became chairman of that group.

There was a tremendous amount of work done, which you have heard about, by this advisory group, and one of the things that I found interesting and was presented to me today is one of the old documents that was sent out by the Bureau of Land Management to a number of people who were interested in the desert, and it outlined two plans; it had the California Desert Plan for multiple use by the National Outdoor Coalition, which was considered to be somewhat opposite from the plan presented by the Sierra Club.

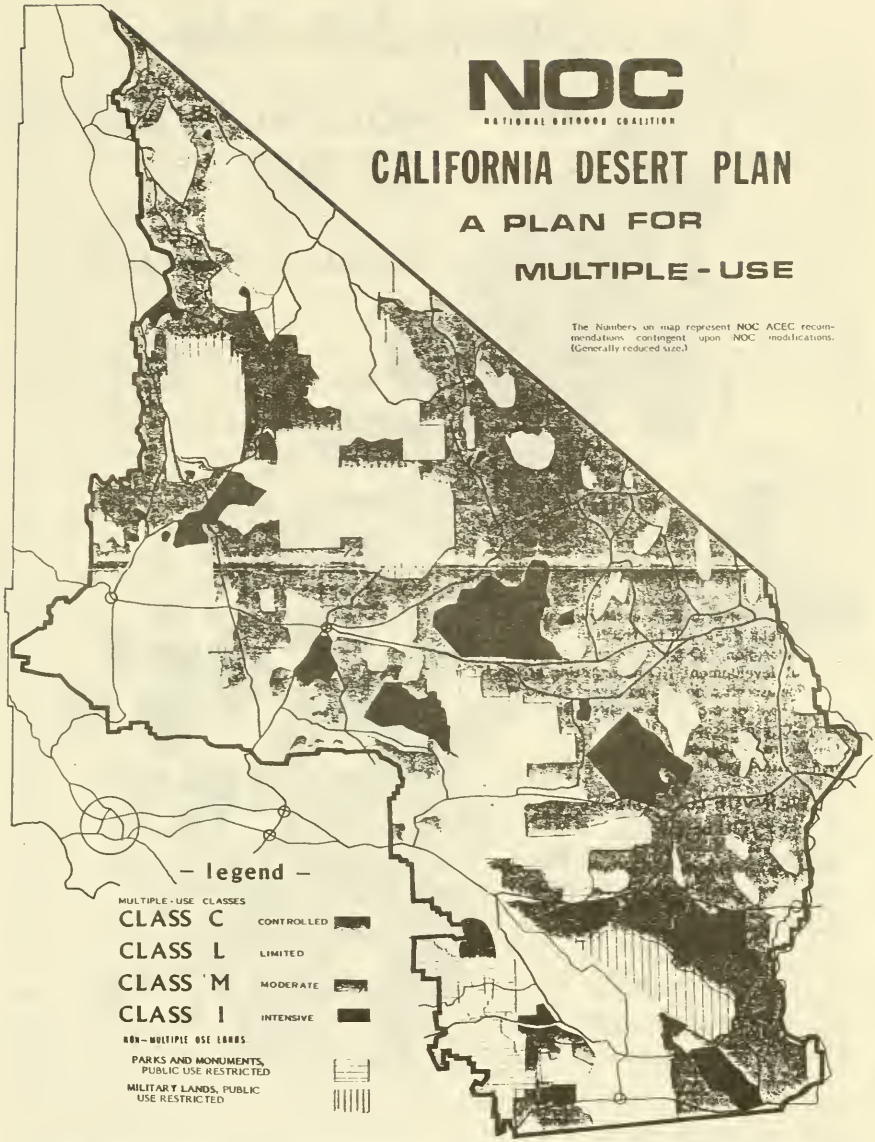
So the Bureau of Land Management sent these out for purposes of review for those who wished and any comments they might wish to make in the form of maps, and I would like to just show you, if I may, and Mr. Lehman, this is the document that was sent out, and on your right is the one plan entitled "Sierra Club," and the other is the Coalition plan. What we have in the way of a desert plan as it now exists and was implemented is virtually smack in the middle between these two, brought about by a coalition of people appointed by Secretary Andrus. So I would submit that this is certainly a compromise of genuine validity between, one would say, two opposite ends, or near opposite ends, of land use.

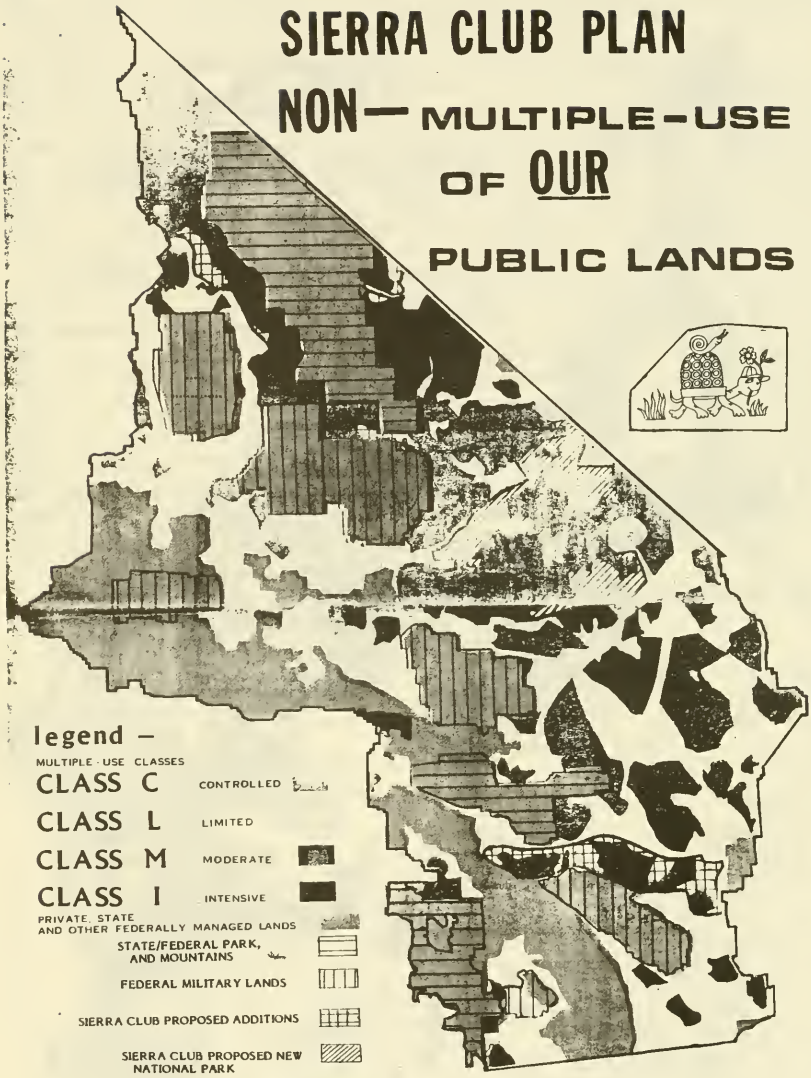
Thank you, Mr. Chairman.

Mr. VENTO. That is submitted in the bill introduced by Mr. Lewis and yourself. Is that correct?

Mr. MCCANDLESS. This is a BLM document.

[The documents follows:]


NOC
NATIONAL OUTDOOR COALITION
CALIFORNIA DESERT PLAN
A PLAN FOR
MULTIPLE-USE
The Numbers on map represent NOC ACEC recommendations contingent upon NOC modifications. (Generally reduced size.)
– legend –
MULTIPLE-USE CLASSES
CLASS C CONTROLLED
CLASS L LIMITED
CLASS M MODERATE
CLASS I INTENSIVE
NON-MULTIPLE USE LANDS
PARKS AND MONUMENTS, PUBLIC USE RESTRICTED
MILITARY LANDS, PUBLIC USE RESTRICTED



The map and comments are the National Outdoor Coalition's interpretation of the Sierra Club - Audobon Society proposals

Mr. VENTO. Mr. Lewis.

OPENING STATEMENT OF HON. JERRY LEWIS

Mr. LEWIS. Thank you, Mr. Chairman, and I too would echo my colleague's comments about your courtesy by allowing us to sit in with your committee.

Mr. Secretary, it is a pleasure to see you. I am sure you are enjoying somewhat being back at your real job.

Early in your testimony, you indicated, Mr. Secretary, that you were willing to consider Monument status versus Park status. I wasn't surprised at that testimony since the bill introduced by Mr. Lehman is different from past legislation in that he does use Monument designation, and I wouldn't expect the Secretary to come and rub his nose in that position. I don't gather from your testimony, however, that you are advocating that East Mojave be other than a Park.

Secretary BABBITT. Mr. Congressman, that is correct.

Mr. LEWIS. I want to make sure for the record it is understood that through this process it is likely that you will be advocating that position, for indeed if legislation passes from this committee and off the Floor, in conferences real decisions will be made, and that is where—it is a poor phrase but the only thing I can think of—the blood will be let regarding this measure, and my understanding is that even in the House a cynic would suggest that most conferees would do whatever the Senator wanted them to do for there is a political commitment there that is very real, and I would guess that your advocacy of a Park would lead to a Park.

I would like to spend whatever time I have, Mr. Secretary, exploring the Catellus matter further, for I consider this to be a major problem that indicates levels of compromise to try to get legislation through the process that should be unacceptable to the process, certainly should be unacceptable to the taxpayer.

Catellus, for the record, is the land company of the Santa Fe Railroad. They have approximately 355,000 acres in the East Mojave, maybe as many as 410,000 acres; we haven't been able to get quite a handle on where those numbers are. But internal estimates of value of those acres coming from your Department are that the land ranges between $750 to $1,500 an acre. The estimates would suggest that there is approximately a $1,000 value per acre. So the dollar amount, if it is just 355,000 acres, in terms of presumed marketplace value is approximately $355 million.

What the Senators were unhappy with on the other side relative to the Catellus language that came out of the House last year and is in the Senator's bill, is that that language essentially would give Catellus a basket of chits and their land could be traded for land not just in the State where they hold the land but anywhere in the country. Now that is unprecedented and, indeed, would put great pressure on all the small States that might have some problem or priority.

I heard from your testimony that you suggested, "Well, if you give me a little flexibility here, I can actually establish my own priorities as to what should be tradeable and what not tradeable." Would that suggest that there are sizable portions of the Catellus

land that in some way would be put on the shelf and not traded out for a long period of time?

Secretary BABBITT. Here is the approach that I would take if I had the authority to do so. My opening position would be, we ought to get all the in-holdings out, the sooner the better, but that we ought not to be paying a premium directly or indirectly to do that, because the Catellus in-holdings do not pose a development problem in the short to middle term. There isn't anything going to be going on. They look like the school sections that you see in most western States, they are evenly scattered across the land, and nothing is going to happen. So my take would be let's get on with it, but if we can't strike a reasonable bargain, we don't need to up the ante.

Mr. LEWIS. If you would, Mr. Secretary, you mentioned the school lands, and that is really why I came to this point. The Catellus land holdings, while it is the land company of the Santa Fe Railroad, are to a very significant percentage school lands——

Secretary BABBITT. I understand.

Mr. LEWIS [continuing]. Where the California Teachers Association solved their problem with this measure by buying Catellus stock, and basically they anticipate that they will be able to trade out that value and thereby sustain their pension fund, and it was the way the House got over the opposition of CTA. Now are you suggesting that CTA, you are going to put them on a shelf and wait a long time—you know, just put them in a map and let them sit there?

Secretary BABBITT. I don't work for CTA, I work for the United States.

Mr. LEWIS. I am glad to hear that. I am not sure about the House always, but——

Secretary BABBITT. Well, I can tell you my approach to this. Number one, try to do it. Earlier is better than later. It don't pay a premium for these things.

Number two, my approach to trading is that you get around these valuation problems by offering the same kind of land, because then you are not sort of whipsawed between two different sets of appraisals.

Is this land worth a thousand dollars an acre? No way. Not a chance. That is an absurd figure.

Now, you are not particularly interested in my opinion on that, and you shouldn't be. The way you get around it is by taking the adjacent public land base and saying to Catellus let's block up. That is a traditional way of solving these kinds of things, and there is plenty of off-boundary BLM base. That means Catellus would wind up with a contiguous, blocked up desert tract, which presumably has more inherent value to them than all these scattered in-holdings, and, as I indicated, it pretty much solves the appraisal problem, because whether the appraisal comes in at $10,000 an acre or $10 an acre, you are trading like for like and you can ride the same appraisal on both sides.

Now that, to me, is the by-the-book, correct way to go about this. That, for what is worth, is how I intend to do it.

Now we do, and I think should, have authority to do noncontiguous exchanges. I just want to tell you I would be approaching that

very conservatively because we have lots of other in-holding issues in National Parks throughout the country and this one would be on the list just like all the rest of them.

Mr. LEWIS. Mr. Secretary, following up on that, there are two items relative to Catellus that are important here. One is—I mentioned it—that the language in the bill allows them to have a trade of value of land in other States. I would like to ask you if you would advocate eliminating that language. But there is a second piece that involves the same thing, that Catellus, by the language, is authorized to transfer or sell their monetary credit to third parties rather than just wait for a Federal cash buy-out. Now it seems to me that puts them in a very interesting bargaining position and it is unprecedented, but would you advocate changing that language?

Secretary BABBITT. Let me address both of those. I don't think the language, as drafted, gives Catellus an absolute right to anything in other States. The language, as I explained in my opening testimony, ought to be sharpened up, because what I would like is authority to negotiate trades. I believe that an interstate trade should come back for approval by this Congress. That is the general rule now, and I think that there shouldn't be an exception in this case.

With respect to the credit to third parties, I think there is a more important issue on the credit side, and that is that the granting of the credit ought not to be automatic, that it may turn out that it is in the national interest to give them a credit, but if they have an automatic entitlement it undermines my ability to bargain and exchange in the public interest, so I don't think it should be automatic.

Mr. LEWIS. So you would make sure that language was changed?

Secretary BABBITT. I would propose to change that, yes.

Mr. LEWIS. Mr. Chairman, if I could just add one more item to this, for there really is a kind of unprecedented public policy here as it relates to a private corporation.

We have taken care of Viceroy, we have taken care of Catellus, there are lots of small in-holders. Would you advocate that language be developed that would give priority to the small, noncorporate in-holder before we give taxpayer largesse to these big corporations?

Secretary BABBITT. Sure. I think there is something to that effect in the bill I think that is important. If there is a willing seller who is a small in-holder who, as a result of this, says, "My future doesn't lie here, I'd like to get out," I think they should have a priority, yes.

Mr. LEWIS. Mr. Secretary, in closing, let me take you back to this $350 million value and the excess, outrageous prices. Unfortunately, we are dealing with Southern California. If you drew a triangle between Barstow—I know you have been to Barstow— and Las Vegas—I doubt that you have ever been there—and Needles, in the center of that triangle, I think you understand, there's a lot of boondocks. I mean it is really out in the countryside, and there are endless evidences of land sales there between $750 and $1,000 an acre.

So we are talking about real money here in terms of the lands held by this corporation, and I would hope that the committee would understand how important it is that we massage this language, because hopefully all of us work for the U.S. Government and the taxpayers, not for some private interests.

Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. MCCANDLESS. Would the chairman yield for just a minute? I would like to correct a piece of my statement.

Mr. VENTO. Yes. I yield to the gentleman.

Mr. MCCANDLESS. The handout that I presented is accurate as far as the content is concerned. However, it was mailed to the BLM. The findings were mailed to the BLM. The origin of the document is announced, "National Outdoor Coalition."

Thank you, Mr. Chairman.

Mr. VENTO. Mrs. Shepherd.

Ms. SHEPHERD. I would only like to welcome Secretary Babbitt and say how happy I am he is with us and nowhere else.

Mr. VENTO. Mr. LaRocco.

Mr. LAROCCO. Mr. Chairman, I just wanted to make a unanimous consent request that the Secretary's dune buggey activities be kept a secret within this room and that his resulting high from those activities not go outside this room.

Thank you. [Laughter.]

Mr. VENTO. Unanimous consent is granted.

The issue, Mr. Secretary, over land management—you talk about more intensive management—all of this, even if we didn't change the designations here in the Mojave Scenic Area, which I note is now recognized administratively by the BLM, would indeed result in considerably more administrative expenses. Is that correct?

Secretary BABBITT. Sure. No matter which way we go, this land is going to involve more expense in order to protect the base. It is the first thing you see when you go there. This is a big magnet out there, and it is drawing a lot of people who ought to have a quality experience, and it is just going to take a little bit of management.

Mr. VENTO. This overall desert area's total is about 25 million acres, including the private lands and the military withdrawals, just for the California Desert area, and about a third of it is being proposed for wilderness in this particular instance, so it does mean that over two-thirds of it remains with a different type of use, some of it being private land, some of it being public land. So in my mind's eye, it is obviously important.

We are going to hear more testimony. My colleague from California, Mr. Lehman, was concerned about my comments about grazing. Obviously, I don't want to make this more of an issue than it is, but in fact, the testimony that I had for the six allotments that are present there and that we will hear later from one of our witnesses who has actually been at a field hearing, who said that the smallest allotment is 300 acres and the largest is close to 3,000 acres of land to support the cattle.

I had proposed to Mr. Lehman that perhaps we could have this hunting issue combined and eliminate the grazing problem by some creative methodology in which people would eat beef, but he de-

clined my offer. It would be a lot better eating and a lot more successful hunts. In any case, we will keep that idea.

Mr. Lehman.

Mr. LEHMAN. Mr. Chairman, yes, we will discuss that further.

I just want to make a couple of comments at this point with respect to Mr. Lewis' questioning on Catellus and just make sure for the record that the public understands that no interstate transfer of land could take place under this bill without congressional approval. It must come back to here; that no transfer, even within the State of California, of more than 5,000 acres could take place without approval here; nor could any transfer worth more than $5 million even if it were under 5,000 acres take place without approval here. So there is certainly no blanket authority tossed out here.

I do think the Secretary's concerns here, though, are valid if the language is construed to give them an ironclad right not respective of his authority in this regard. Certainly we can clarify that and would be happy to work with Mr. Lewis on this issue as well if he so desires to go forward.

Mr. VENTO. Of course we will hear from the Catellus Development Corporation later today. A great deal has been done on this language. I would certainly echo Mr. Lehman's comments about the congressional approval for the interstate activities and authority that is granted. It is a creative way to try and bring this to conclusion. I think that, at the very least, additional time, given the fact of where we are at this point, should be considered in terms of bringing that to resolution so that we are not forced where we could actually have an executed agreement rather than this negotiable instrument that is contemplated in the legislation. But we will hear from Catellus.

Does Mr. Hansen or other Members have additional questions for the Secretary?

We appreciate very much, Mr. Secretary, your presence this morning, and I appreciate the cooperation of the committee members and other interested Members and their participation this morning so that we could facilitate your testimony.

We have got a good amount of work to do to successfully deal with the issue and bring this to fruition in this session, and we appreciate your continued participation and that of your staff. I think a couple are about ready to be confirmed. It has been a tough duty for you trying to carry this on without their assistance, but we very much welcome their help and participation with the staff and with ourselves.

Mr. Secretary, thank you very much.

Secretary BABBITT. Mr. Chairman, committee members, thank you.

Mr. VENTO. We next will hear from Sherri Wasserman Goodman, the deputy under secretary for environmental security, Department of Defense. I am especially pleased to welcome her in this new post. I think it signals an awareness by the Department and the administration of the importance of land use and other related issues.

I had a chance to visit briefly with Ms. Goodman yesterday and to discuss matters and what her role is. I think that, candidly, in visiting some of the sites—for instance, with my colleague from Idaho, who has now left, at the Orchard Training Area—we wit-

nessed, first-hand, some of the restoration efforts of the Department of Defense in the past. I was pleased to be at an awards ceremony where that particular installation received an award for their work as well as one in my own district for work on remediation of aquifer damage due to various types of contamination.

So I do think that this recognition and role that Ms. Goodman has is an important one and I think will help us and be a constant source of support and response from the Department of Defense concerning matters before the subcommittee.

Ms. Goodman, your statement has been made part of the record. You may proceed.

STATEMENT OF SHERRI WASSERMAN GOODMAN, DEPUTY UNDER SECRETARY OF DEFENSE (ENVIRONMENTAL SECURITY), U.S. DEPARTMENT OF DEFENSE

Ms. GOODMAN. Thank you, Mr. Chairman and members of the subcommittee. I am honored to be here today. The Secretary of the Interior is a hard act to follow.

Since you all may not know me, I would like to say a little bit about the position I have in at the Department of Defense and thank the chairman for his warm words of recognition. This is a new position at the Department of Defense. I am the Deputy Under Secretary of Defense for Environmental Security; and by creating this position the President, the Vice President, and Secretary Aspin are signaling the importance they attach to environmental matters at the Department of Defense. We intend to make this a very important part of our business, and we look forward to working with this committee on those matters. I appreciate the opportunity to testify today on this important bill, the California Military Lands Withdrawal and Overflights Act.

We think this Act represents a major step forward, protecting the environment of our California Desert, and will go a long way to ensure that this valued national treasure is preserved for future generations. The Department of Defense is the steward for 25 million acres of Federal land, as much land as the California Desert we are considering here today. As Secretary Babbitt and I were discussing, this makes the Department of Defense now the third largest land holder in the United States. Our lands holdings represent all our country's major land types and contain many fragile ecosystems. More than 10 percent of this land is located in the California Desert, and millions of other acres of DOD lands are in similar arid western settings. These are truly unique places.

The Department of Defense has five major installations that are affected by this proposed legislation, and the importance of these installations cannot be underestimated. The first battles of Desert Storm were fought at these important California Desert installations. On these remote locations, our Nation's finest men and women trained for the Iraqi desert. These locations are the Naval Air Weapons Station, China Lake; the Chocolate Mountain Aerial Gunnery Range; Twentynine Palms Marine Corps Air Ground Combat Center; the Fort Irwin National Training Center; and the Flight Test Center, Edwards Air Force Base; and I am pleased to have representatives from each of these installations and our mili-

tary departments here with me. I commend their commitment, and I am pleased to have them here with me.

We would like to work closely with this committee as we have been working with your Senate counterparts on S. 21 to ensure that essential military needs are accommodated in this legislation. Let me briefly address the issues that are of particular concern to the military.

First, military overflight. To ensure that our military remains the best in the world, we believe the legislation should expressly permit low-level military overflight of wilderness and park areas both now and in the future. In modern air warfare, high-speed, low-level flight is essential for survival, as shown in Operation Desert Storm. For example, we need low-level routes to test today's cruise missiles.

Second, access corridors. We are working with you to ensure that the Act reflects map boundaries showing a tank track between Fort Irwin and Twentynine Palms. In addition, the access corridor provided for Cleghorn Lakes Wilderness Area requires power lines to support our training.

Third, we would like these maps not to preclude the future expansion of the Army's premier training base at Fort Irwin.

Finally, we believe that land exchanges should not include the five affected Department of Defense facilities.

The Department would like to cooperate with Congress, and we are already working closely with the Department of the Interior and other Federal agencies, State and local governments, affected Indian Tribes, and the general public to address the broader issue of land use and conservation as it applies to military training. We believe that such a dialogue would be consistent with our evolving views towards protection of integrated ecosystems rather than simply individual species. Together, we can build a conservation ethic that will be sustainable beyond many generations.

In the Department of Defense, we are building a new conservation strategy as part of our larger environmental security strategy to conserve our natural and cultural resources so they will be available for present and future generations. As part of this conservation strategy, we are committed to comply with all applicable laws for natural and cultural resources, to identify all significant resources; to manage them in consonance with our military mission, and to provide training and education to build a strong conservation ethic. In addition, we will involve and are involving the public in our many conservation programs.

I would like to emphasize that the Department of Defense and its new leadership strongly believes that national security includes environmental security, and we are committed to working with you in that way. We support this legislation. The Department will not be content merely to be a good steward of its lands but will be a leader in safeguarding the environment for future generations.

Thank you. I would be happy to answer any questions you may have.

[Prepared statement of Ms. Goodman follows:]

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NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES

STATEMENT OF

SHERRI WASSERMAN GOODMAN

DEPUTY UNDER SECRETARY OF DEFENSE -

(ENVIRONMENTAL SECURITY)

BEFORE THE

HOUSE SUBCOMMITTEE ON

NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

HOUSE COMMITTEE ON NATURAL RESOURCES

ON

THE CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT 1993

H.R.880

AND THE CALIFORNIA DESERT PROTECTION ACT OF 1993, H.R. 518

JUNE 15, 1993

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON
NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES

Mr. Chairman:

Thank you for the opportunity to testify today on the California Military Lands Withdrawal and Overflights Act, H.R. 880 and the California Desert Protection Act of 1993, H.R. 518.

The Department of Defense is steward for 25 million acres of federal land representing all of our country's major land types and containing endangered ecosystems and species, irreplaceable historic and archeological sites, and many other important natural and cultural resources. More than 10% of that land is located in the California desert, and millions of other acres of DoD lands are in similar arid Western settings. These are truly unique places. The last writing of Wallace Stegner perhaps put it best:

> "Aridity, more than anything else, gives the western landscape its character. It is aridity that gives the air its special dry clarity; aridity that puts brilliance in the light, and polishes and enlarges the stars..." ("Thoughts on a dry land," from "Where the Bluebird Sings to the Lemonade Springs." April 1992)

Our national security interests can be protected without jeopardizing our environmental heritage. Previously, the Department opposed similar bills on the grounds that the emphasis on protecting the desert could not be reconciled with our military activity there. However, as we change our paradigm to meet new threats, I am here today to support legislation that protects the California Desert and to tell you that the President, Vice President and Secretary Aspin believe that environmental security is vital to national security.

The Department of Defense has five major installations that are affected by proposed legislation. The first battles of Desert Storm were fought at these important California desert installations. They are the:

- Naval Air Weapons Station China Lake
- Chocolate Mountain Aerial Gunnery Range
- Twentynine Palms Marine Corps Air Ground Combat Center
- Fort Irwin National Training Center
- Flight Test Center, Edwards Air Force Base

Why does DoD train and test its weapons on and above the majestic landscape of the California desert? We have steadily moved our training and weapons testing away from more populated areas into less populated areas, like the southern California desert, to provide the means for realistic testing and training. We have no place else to go where we can prepare our young men and women for the next time they must go in harm's way. The deployment and success of U.S. Forces in the Persian Gulf underscores the need for large-scale desert training areas affording the greatest degree of reality if we are to continue to be an effective fighting force in challenging terrain and climatic conditions.

This essential preparation requires a significant amount of land and air space. The Department's objective is to ensure that we maintain sufficient room for our weapons testing, gunnery ranges, flight operations, and combat maneuver exercises. We believe that legislation can ensure that the California desert will continue to be both a prized and protected natural resource and the premier location for vital military weapons testing and combat readiness training.

To ensure that our military remains the best in the world, we believe that legislation protecting the California desert should expressly permit low-level military overflight of wilderness and park areas both now and in the future. In modern air warfare, high-speed, low-level flight is essential for survival as evidenced in Operation Desert Storm.

Low level flight is used by tactical aircraft to avoid radar detection, protect ground troops, and deliver ordnance. Low level routes are also used to test cruise missiles.

Skills required to conduct low altitude flight are perishable and must be practiced on a regular basis. Unlike medium or high altitude flight, low altitude flight requires precise piloting skills throughout the mission because of the proximity of the terrain. These skills can only be gained and maintained by training in this regime of flight.

California desert legislation should recognize the compatibility between land use designations and essential low-level military overflight.

We also need the flexibility to expand, not only to meet current requirements, but also to keep pace as the technical complexity of our units, weapons, and tactics improve. We will always need large open spaces in which to train. However, because we recognize that these lands have multiple values, and are a shrinking resource, we are undertaking a number of measures to integrate our training needs and reduce our impacts. These measures include:

- Consolidation and sharing of training and test ranges through greater use of shared facilities.

- Use of electronic connections between remote areas to reduce the need for expansion of existing ranges. Through this technology, scattered smaller ranges can be used to simulate extended larger ranges.

- Greater use of computer modeling technology to provide realistic substitutes for field tests. This will not eliminate, but could greatly reduce the need and cost for actual field operations.

- Use of so-called "smart" or guided bombs that allow more precise targeting.

The current House version of this legislation, H.R. 518 and H.R. 880 offers a good approach to protecting the pristine environment of our California deserts and will go a long way to ensure that this valued national treasure is preserved for future generations. While H.R. 880 does addresses the military's previous concerns regarding issues such as military overflights and access corridors, we do have remaining concerns over continued monitoring by the Secretary of Interior of the effects of aircraft overflights. We agree with the Department of Interior that 25 years is necessary for military withdrawals to allow for a more efficient long-range planning and implementation process. We urge that the bill be amended to provide for the longer term. The 12-year period for the publication of a draft Environmental Impact Statement should likewise be modified. In addition, we hope to be able to work with your staff in the development of the maps referred to in these bills to determine if modifications or refinements are needed. By working closely with the Committee and the Department of Interior, we are confident that essential military needs will be accommodated. Let me briefly explain the four specific issues that concern us.

(1) Military Overflight: The language in section 12 assuages our concerns by clearly stating that these bills will not restrict low-level overflights. Such language is important to avoid future disagreements between overflights and wilderness and park uses.

(2) Access Corridors: We are working to ensure that this legislation reflects map boundaries delineating an unpaved movement corridor from Fort Irwin to Marine Corps Base Twentynine Palms through the Cady Mountains. Also, we are working to assure that the access corridor provided for in the Cleghorn Lakes Wilderness areas allows utility lines to support training.

(3) Fort Irwin Expansion: We believe it is important that the legislation does not preclude future expansion of the Army's premier training base. We understand the maps address this issue.

(4) Land Exchanges: Federal land at the five affected DoD facilities (Fort Irwin, Twentynine Palms, China Lake, Edwards Air Force Base and Chocolate Mountains) should be excluded from participation in land or mineral rights exchanges to support the establishment of wilderness or park areas. So long as these lands are withdrawn for military purposes, we understand that they cannot be exchanged.

The question is not whether training and test ranges are necessary, but "how can we minimize their impact on the environment?" This is a question that the Department of Defense cannot answer alone. We have a number of large land holdings throughout the West. We would like to cooperate with the Congress, the Department of the Interior and other Federal agencies, State and local governments, affected Indian tribes, and the general public to address the broader issue of land use and conservation as it applies to military training.

We believe that such a dialogue would be consistent with our evolving views toward protection of integrated ecosystems rather than simply individual species. In this manner, we may conserve intact the greatest amount of land possible that makes sense from a holistic environmental viewpoint. Moreover, this type of process will allow us to consider in context the many competing pressures on the desert and other fragile ecosystems. Together, we can integrate our planning with other land use considerations. Together, we can build a conservation ethic that will be sustainable beyond seven generations.

We in the Department of Defense are building a new conservation strategy, as part of a larger environmental strategy, to conserve our natural and cultural resources so they will be available for present and future generations. As part of this conservation strategy, we are committed to:

- Comply with all applicable laws and standards for natural and cultural resources.

- Identify all significant natural and cultural resources.

- Manage natural and cultural resources in consonance with the military mission.

- Plan, program, and budget to comply with all applicable laws and regulations.

- Provide training, education, and staffing to build a strong conservation ethic.

- Involve the public in all conservation programs.

In closing, I would like to emphasize that the current DoD leadership strongly believes that national security includes environmental security. We are committed to protecting the environment. In this instance, that means supporting the protection of the California desert area. The basic compatibility between Defense and environmental concerns is demonstrated at numerous military bases which provide sanctuaries for wildlife threatened by encroaching civilization. The Department intends to be a leader in safeguarding the environment for future generations.

This will not be an easy task, and may be especially difficult as we jointly address the competing pressures on fragile Western lands.

We look forward to working with the Committee on this most important legislation.

Mr. VENTO. Thank you for your opening statement and your work on this issue.

I think that there is a lot of work that had been done on the bill in the past, and we had generally good cooperation from DOD finally, if not absolute, but I hope that any misunderstandings that existed now can be concluded. We started to work on a couple of those yesterday.

As an example though, let me just point out a sort of two-track issue here between your testimony, Secretary Goodman, and that of Secretary Babbitt. In your statement you say, "We do have remaining concerns over continued monitoring by the Secretary of the Interior of the effects of aircraft overflights."

Secretary Babbitt's testimony said with regard to H.R. 880 that he recognized the importance of military overflights: "The National Park Service will continue to monitor the effects of aircraft overflights on Park resources and values."

Is there the same tension or disagreement here between the Department of Defense and the Interior Department on this matter? Are we actually saying the same thing in a different way? Do you disagree with what the Secretary has said?

Ms. GOODMAN. I don't disagree with the Secretary. We would like to work with you on the language of that provision, Mr. Chairman, because the Department of the Interior and the Department of Defense agree, I believe, that it should be refined. We have no problem with working with the Department of the Interior in reporting our military overflights. We would like to refine the language to make sure it allows the military to continue to conduct its necessary training missions.

Mr. VENTO. Similarly, I notice that in your testimony you had a couple of criteria on land exchanges. But if the withdrawal goes forward with regard to the language of the legislation that I have introduced, H.R. 880, then these areas would be withdrawn and they would not be subject to land exchange. That is my understanding. Isn't it your understanding? That is the effect of it, that it would not be. They would be withdrawn and therefore would not be subject to land exchange.

Ms. GOODMAN. We agree with that.

Mr. VENTO. But I mean it is a fundamental tenet of the action in terms of either legislatively doing it or administratively doing it. Once it is withdrawn, it is withdrawn from any other use for the 15-year period. Admittedly, you have sought more time here, which has been a constant position of the Administration, asking for more time.

In my mind, there isn't a question, and I want to make certain that there is some other basis for your testifying to that issue. I would like to know it at this time or in the future if I have stated it incorrectly.

Ms. GOODMAN. Okay. That may be only a matter concerning the Senate bill.

But with respect to the time for withdrawal, we do believe that it is important to allow a 25-year period for the land withdrawal. The land withdrawal for the Chocolate Mountain Aerial Gunnery Range has already been pending now for 20 years. The planning on these military ranges is extremely important. For example, we

have geothermal energy projects at several of these bases, and the planning for those projects involves at least a 30-year time frame. This is important energy conservation work that helps the military be self-sufficient and also provides considerable economic benefits beyond the military. To plan against a 15-year time frame is very difficult for the Department.

Mr. VENTO. I understand your concern along those lines as well as with the access corridors. As far as the expansion of Fort Irwin, I don't believe that the legislation, if we look at the wilderness legislation in conjunction with your proposal, at least the current version, would either eliminate or prevent the expansion of Fort Irwin in a modest way. Obviously, these are all very tentative plans. They have not been announced. Is that correct? The expansion of Fort Irwin, is that in a draft form or plan at this time?

Ms. GOODMAN. It has not been announced, Mr. Chairman, in a formal fashion, and I don't think your legislation at this point precludes it. I want to note that it is important that this continue to be permitted and to note what the Army has done to protect the desert tortoise at Fort Irwin, for example, they have modified their plans to provide for such protection.

Mr. VENTO. I was going to lead to a question on that in a general sense, but just to conclude the Fort Irwin issue, it hasn't been announced. It sort of reminds me of one of the expressions we used, about someone that wanted only the land adjacent to their own, but the problem is that that particular supposition would lead you all the way to the coast of California. But I am pleased that your testimony does point out that the California legislation that is before us on land issues here does not affect that.

Similarly, the point that you were making in terms of cooperation on the desert tortoise and in terms of working with Fish and Wildlife and I expect the State Department of Natural Resources in California, that on almost all the military installations where there are public or State lands and/or authorities, you have begun a dialogue or set up advisory groups with them in terms of what the impact or the footprint is on the land and I guess beyond. Is that correct?

Ms. GOODMAN. Yes, that is correct. In fact, the Army has worked very closely with the Fish and Wildlife Service on the desert tortoise recovery plan and has provided areas for the desert tortoise on its lands. The military and the Department of Defense are working very closely in all of these areas.

Mr. VENTO. I would just comment to my colleagues, and they are aware of the Birds of Prey legislation, that in the Orchard Training Area is one of the roosting and nesting areas for raptors, and the other one is Fort Pendleton in California, and so here we have two of the principal raptor nesting areas and areas where we have significant concentrations of raptors both on military lands or on areas that have been withdrawn for this particular purpose.

I expect that it is no accident, in fact, because here we cut off access for various types of activities. I think it may be a little unusual in terms of the Idaho area with the Thompson ground squirrel. The other principal factor is just the interference of people with these raptors in terms of their nesting habitat. But the military use

is not something that bothers them as much as it may clash or be dissonant with regard to other views of natural areas.

Mr. Hansen is a member of the Armed Services Committee as well as serving as ranking member of my subcommittee, so I know he is interested in this issue.

Mr. Hansen.

Mr. HANSEN. Thank you, Mr. Chairman.

Ms. Secretary, I appreciate your comments.

Last year, Assistant Secretary of Defense Robert Stone was testifying in front of the Senate Energy Committee, and he made this statement. He said, "By designating millions of acres as wilderness and National Parks, we believe these bills will inevitably lead to growing demands to curtail noisy airplanes and dusty tanks, demands that the Department and the Congress will eventually be unable to resist." Do you want to comment on that statement? Is that where we are going now?

Ms. GOODMAN. The new Administration has taken a different approach. Of course our military missions are very important. We believe that those have to be preserved. We must continue to allow for noisy airplanes and dirty tanks to train, and in the California Desert is our premier training area in the country. That is why we have spent the last several years working with you and the sponsors of this legislation to ensure that it will allow the military to continue its most important missions. We think we are in a position to do that. Working together with the sponsors of this legislation, the military can continue its important training needs in the California Desert.

Mr. HANSEN. Let me ask you this. What are you giving up? What does the military give up in these bills? Simply stated, what would you say you are giving up?

Ms. GOODMAN. I would say we have agreed to work cooperatively with other Federal agencies in a way that I believe is unprecedented. We are working with the Fish and Wildlife Service, by forming, a new Federal partnership which I believe allows us to work together to meet our needs.

We have also found that by working on the maps to define the wilderness areas for this bill that, in properly drawing the boundaries, we can preserve our training needs and, therefore, not lose what the military needs to continue its missions.

Mr. HANSEN. Don't you feel, though, that Secretary Stone in his statement, that if you start restricting or giving up acreage, that that will just continue? I have sat for 13 years on this committee and over the Grand Canyon, and don't get me wrong, I think the Grand Canyon and other areas should be protected, and I compliment you for your conscience and sensitivity, your nature, as far as protecting some of these areas, but you folks are going to get pushed out of business before long if you don't watch yourselves.

I also in my district have an area. It is called the Test and Bombing Range. It is just west of Hill Air Force Base. Tying that to Dugway Proving Ground, tying that to Tooele Army Depot, you have got just about as big or bigger than you have got here, and I am getting a little tired of all the letters I am getting from what I call extreme environmental groups who don't want anything to

happen over there. They don't want a helicopter to go over it because they can't enjoy a solitude experience.

If you read the 1964 wilderness bill, it is very clear on what you can and can't do. The definition of wilderness is given in there and then all of the things that flowed out of that: "no roads"—well, you have got roads all through this area—"as if man was never there." The first guy God put on the Earth is standing there, and he can't see anything. There are no cattle ponds; there is no sign of man, as if man did not exist.

Well, now, you take that definition, and then we went on, and if you read all you can out of the committees and you read what happened, you don't want to be disturbed by having man around. Well, I think that with an Apache or a Huey or an A10 or an F16 or an F15 or whatever you are going to fly over there, if it is pretty evident that man is around somewhere.

I appreciate your cooperative spirit; don't get me wrong; I just think you had better be very careful and realize what you are giving up, because you may be giving up a lot more than you think, and I could give you illustrations of things, just a little encroachment, like a cancer, inch by inch, and we keep losing a little bit here and a little bit there. No disrespect to the new Administration. I think what you are assigned to do is probably admirable, but I would be very careful as you look at this piece of legislation. You may have to find some place in Siberia to do your testing from here on because I think you are on the way out, if I may respectfully say so.

When you say low-level flying, you are just talking aircraft, military aircraft? Is that right?

Ms. GOODMAN. That is right; we conduct low-level overflights in the California Desert, because it is very important that the military continue to be able to conduct its low-level military overflights.

Mr. HANSEN. Nothing to do with any low-level missiles flying over?

Ms. GOODMAN. I'm sorry. Yes, as I mentioned, we also test cruise missiles. So it is missiles and planes, and it is important that the military continue to be able to do this work.

I expressed a concern that the legislation explicitly allow for the military to continue this work, and I agree with you that low-level overflights are not consistent with a wilderness experience that one might typically consider. Therefore, it is very important that we carefully draw the boundaries in this legislation to permit the military to continue its training needs.

With respect to the provision concerning monitoring, I think we do need to consider, as the chairman mentioned earlier in his first question to me, the consistency of the reference to the term "visitor enjoyment" with the military overflights. It is absolutely essential that we continue to conduct our military overflights. We need to do that, and this bill needs to recognize that. Therefore, we would like to work with you to define that language, and I appreciate your words to help us do that as well.

Mr. HANSEN. I think everything we do in Congress is the word "prioritize." We prioritize the taxpayers' money. We prioritize what is the greatest need of America: Somebody having a solitude experience going into an area, or is it because we want to train a guy

that he can defend this country? And you will come down to that, very candidly, in a big hurry, and you will hear a hue and cry when you start buzzing a few guys over their heads. That always happens. I get letters every week to that effect. As one of the ranking members on the Armed Services Committee, I get that constantly from that particular group.

How many acres do you agree not to fly over that you were flying over before? Do you know that figure by any chance?

Ms. GOODMAN. I don't believe there is any change. We still plan to conduct the military overflights that we have been conducting.

Mr. HANSEN. You feel under this bill there is no restriction to what you did before. Is that right?

Ms. GOODMAN. That is my understanding, and I will report to you further if my inquiries after this hearing find any other information. But that is my understanding.

Mr. HANSEN. What are you giving up of things on the ground that you haven't given up before? Anything that would be on the ground? Do you put any Bradleys, any M1s, A1s, any trucks, anything on the ground?

Ms. GOODMAN. As I said, we would like to see the maps properly reflect the boundaries. For example, I mentioned a tank track that connects Fort Irwin and Twentynine Palms. We want to ensure that the track between those two training areas is reflected so we can continue to used it as we do today. My staff has been working with the Senate staff to reflect the proper boundaries on the maps, and we would like to work with the House staff when you get to the map phase to ensure that the boundaries of our training areas are properly reflected.

Mr. HANSEN. I can deduce from your statement then, what is going in the record here, is that the military comes to this committee and is making the statement that nothing changes as a result of this legislation. Is that correct?

Ms. GOODMAN. Provided that the maps that accompany the legislation reflect the existing boundaries.

Mr. HANSEN. To the best of your knowledge. I didn't mean to pin you down that tight. To the best of your knowledge, the military is happy with this, they don't see any problem with it, they can still fly over, they can still put everything on the ground, nothing changes, and you will be careful not to run over desert tortoises. Is that right?

Ms. GOODMAN. That certainly is correct, yes.

Mr. HANSEN. Thank you, Mr. Chairman.

Mr. VENTO. I would just point out, except for the possible expansion of Fort Irwin, which, of course, would be subject to Engle Act approval in addition, so Congress would have to act on it in any case, which is not even being proposed but which is being contemplated, I guess, there has never been any suggestion that any of the lands dealt with in H.R. 518, the California Desert bill, were needed for military uses, and overflights are protected.

I would just further point to the section on page 20 of H.R. 880 on military overflights that Congressman Blaz and I agreed to last year with the cooperation of Secretary Stone. This was language that they requested. The disclaimer says, "Nothing in the Act or the California Desert Protection Act of 1993 shall preclude low-

level overflights for military aircraft, the designation of new units of special air space, or the use or establishment of military flight training routes over new units of the National Park or National Wilderness Preservation Systems (or any additions to existing units of such systems) designated by this Act or the California Desert Protection Act of 1993," and of course, this will be attached to it. So it is a pretty sound assurance.

Now, if the military chooses to work with the Secretary and work with other agencies to come up with further refinements and agreements concerning this, which is what has been the practice in the past, and we assume that that good faith effort will go forth, it isn't being done by this legislation. That is the concern, that we are not doing it legislatively, and I think they will make a good faith effort to work out whatever problems are consistent with the national security and training needs that they have.

Incidentally, Secretary Goodman, how low is a low-level flight? I know some of the information concerning, for instance, the cruise missiles is classified in terms of what you do. But I think it would be helpful for the members of the committee to understand how low a low-level flight we are talking about.

I see that you haven't been doing it. Now if we had Mr. Cunningham here, we would get that answer just like that.

Ms. GOODMAN. I want to confirm both that the numbers we give you are accurate and that they are unclassified.

Mr. VENTO. Yes. Well, nothing that we are referring to; we just use the phrase.

Ms. GOODMAN. A low-level flight may be as low as 100 to 200 feet.

Mr. VENTO. It is really low.

Mr. Calvert.

Mr. CALVERT. No questions at this time.

Mr. VENTO. Mr. Doolittle.

Mr. DOOLITTLE. What else flies over these areas? I guess you said cruise missiles and airplanes. What else flies out there?

Ms. GOODMAN. We fly a wide variety of aircraft—F14s, F15s, F16s and F18s; B52, B1 and B2 bombers; C130 and C17 cargo aircraft; helicopters; a variety of weapons systems including the Tomahawk and cruise missiles; and mission support aircraft.

Along those lines, I think it is important that when we refer to low-level military overflights in the legislation that we not qualify it afterwards with the word "aircraft," because that would exclude missiles. If we use the term "unqualified low-level military overflight," we believe it would include all types of activity, weapons as well as aircraft, that are involved in these overflights.

Mr. DOOLITTLE. Does the military presently have overflights over, say, the Death Valley National Monument?

Ms. GOODMAN. Yes.

Mr. DOOLITTLE. Does existing law make specific provision for such overflights?

Ms. GOODMAN. Existing law does not preclude such overflights.

Mr. DOOLITTLE. Then why do you feel it necessary to afford this express statutory protection in this legislation for these new areas to be designated when you do not, in fact, have it presently for existing national monuments?

Mr. VENTO. If the gentleman would yield to me, in defense of this legislation which I have introduced and worked on with Congressman Blaz and former Congresswoman Byron, this particular language, this disclaimer, was put in by us at the request of the Department of Defense.

In other words, we made exactly the point that the gentleman from California is making at this point, but in order to make the issue clear. So if the issue of military aircraft isn't sufficient and/or military flight training routes is not sufficient, tell me what is and we will try and work with you to accommodate that.

I thank the gentleman for yielding.

Mr. DOOLITTLE. Couldn't the inclusion, for the first time in statute, of this type of language be cited by those opposed to such overflights over areas which have not been expressly provided for in statute as a precedent or a failure—in other words, to include them expressly, as these have been included, would perhaps be indicative of the intent that such overflights not be allowed in, say, the Death Valley National Monument? Has the Department considered the possibility of such effects of having this language expressly referencing certain areas but not other areas that are, in fact, presently used today?

Ms. GOODMAN. I think one can always find such arguments that an express inclusion therefore implies an omission with respect to earlier statutes, but I don't believe that would be consistent with past and current practices. I would be interested in any evidence that you might have that there are those who would attempt to constrain military overflights elsewhere as a result of the affirmative inclusion of language permitting it in this bill. I don't believe that is problematic.

I am certainly willing to consider that, and I certainly would be interested in any evidence that you might have that it is a problem, but we think that the affirmative inclusion here helps and does not adversely affect other overflights that are conducted by the military outside of the California Desert.

Mr. DOOLITTLE. Well, of course, this is the first time such language has ever been used, so there is no evidence, but an analogous area is, look at the wetlands policy and how that has developed. I would suggest that there are some disturbing developments in that area in terms of boot-strapping. Look at what has happened with various interpretations of the Endangered Species Act, the Forest Lands Management Practices Act, et cetera. What is going on in the Pacific Northwest is the latest result we see from that, from those Acts.

I think the gentleman from Utah, when he says to you, boy, watch out, you are setting some precedents here. Certainly in other areas of the law, such as the ones I have mentioned, why, there has been some very creative lawyering that has gone on; they have grabbed at straws, and sometimes those have produced tangible results.

You know, I made Mr. Babbitt's Dirty Dozen List. If I had had time, I would have asked him further details about that. But as one who generally opposes further Federal land acquisitions, further restrictions, I might actually like the concept you are putting in here. In fact, I think this could become a wonderful vanguard

to reestablish the concept of multiple use. We will have wilderness areas or parks, and we can have cruise missiles and Tomahawk missiles and F15s, et cetera, flying around, and we will just drive that wedge in and create some other exclusions and expansions. It might be a very novel approach, a good hallmark for the Clinton Administration.

Ms. GOODMAN. We think this legislation is evidence of the fact that the environment and military operations can be compatible. We need to continue, obviously, our military operations. We also need to protect the environment; and that is why we believe this legislation is able to do just that.

Mr. DOOLITTLE. Thank you.

Mr. VENTO. Mr. Calvert, do you have any questions at this time?

Mr. CALVERT. Not at this time.

Mr. VENTO. Mr. Lewis, did you have a question of the witness?

Mr. LEWIS. Thank you very much, Mr. Chairman.

Secretary Goodman, would you help me just a little with the discussion that the chairman was beginning to have with you relative to the time frame question, the 15 years, versus wanting additional time, and tell me what the significance of that is?

Ms. GOODMAN. The significance is the amount of time for which the land is withdrawn, and the land withdrawal requires an affirmative action by Congress, which has typically taken as many as 10 years. I believe the Chocolate Mountain Area Gunnery Range land withdrawal, which has expired, has now been pending for almost 20 years, and so it has been operating on a temporary or interim withdrawal. It makes it difficult for the military department to plan.

For example, at several of our training areas in the California Desert we have geothermal energy projects underway, and the investments required in those are done on a 30-year basis.

Mr. LEWIS. So you feel there is a need for more, not less, time.

Ms. GOODMAN. Yes, that is right. The Department and the Executive Branch have consistently supported a 25-year withdrawal period since it takes considerable time for the withdrawals to work their way through Congress. Even though all parties may be well intentioned, it is difficult to get these bills passed. We think the 25-year time frame provides a better planning basis.

Mr. LEWIS. Ms. Goodman, let me tell you why I was pursuing that line. I missed a couple of votes yesterday because I spent the day in beautiful downtown Twentynine Palms at the Marine Corps Combat Center, where we had a demonstration for a broad cross section of private citizen interests of live-fire war games out there, and it was very interesting for me to see a demonstration of why we need training.

A young commander who had never really been out in the field before was told to take out three targets that were approximately 3,000-plus meters away. You watch the stumbling that goes on when you don't have that experience, and you get a clear understanding of the need for real practice.

Interestingly enough, they had three targets they were going after. Two of those targets were taken out by aircraft, not by the Marines on the ground, and following breaking an initial barrier the track vehicles ended up going towards the wrong mountain. It

is not a criticism at all but the reality that this is a different world and you need open spaces.

Let me suggest that those airplanes that took out those targets clearly were flying at low levels. I believe the FAA rule presently, by the way, over Death Valley National Monument is 2,500 feet, not what would be considered to be low-level flying. But in the meantime, those planes were flying at low level, and I have no doubt that their entry point was over a big hunk of what would be wilderness in the new National Park that is Joshua Tree.

Please do not take lightly what this committee or this House might seek as a priority in the future as these time frames expire. I admire your effort to work between agencies here, but Congress often has demonstrated different priorities than our military interests would dictate, and I have watched with interest the shaking of heads on the part of people who have uniforms on just in back of you—obviously a good deal of concern about where we are going in terms of future policy here impacting our ability to train people.

General Schwarzkopf has said that the most important thing we have ever done in terms of spending money in his career is the money at the National Training Center of the Army. It made the difference in the Persian Gulf War. There is no question that those Marines trained at this combat center made a big, big difference in our success there.

There is not any doubt that Mr. Hansen is making an important point. The policy development and direction here would tend to close down rather than expand that opportunity, and I don't think you and I can project just in the short time what kind of space is going to be needed for that training. The increasing length of lethal weaponry, the need to be able to train with that weaponry in live fire circumstances, has changed radically in the last 15 years. If policies designed 25 years ago were applied to weaponry of 25 years ago, the needs for expansion would be considerably less than we are talking about here.

So I would urge you to be very cautious about signing off on agreements with those who are essentially using this legislation in part to drive no-growth attitudes that are much different than military training interests.

Any comment? I would be interested.

Ms. GOODMAN. It is because I agree with much of what you have said that we have worked very carefully with the staff in drafting this legislation and will continue to do so.

I couldn't agree more that our training areas in the California Desert are essential to our military mission. It is where Desert Storm started. We need to have those areas, we need to continue the work there, and we need to not preclude through this legislation any expansion of these areas that might be necessary, such as the one concerning Fort Irwin.

I do believe, however, that it is possible for our military missions and protection of important national areas to be compatible for environmental purposes.

Mr. VENTO. The time of the gentleman has expired.

Mr. LEWIS. Thank you, Mr. Chairman.

Mr. VENTO. Certainly I would urge the gentleman to read the legislation, H.R. 880. I don't know that he has looked at the find-

ings and so forth. So I think that you will realize that Ms. Goodman is not basing her positive endorsement of this legislation on a high-risk option in terms of designation of lands but on the legislation as was drafted and passed the House and was supported by the Department of Defense personnel and individuals in the past. So it is really a very sound policy path for the Secretary to endorse.

I would further say that with regard to the 15-year issue, I didn't know whether there was an argument for less than 15 years or more than 15 years. A lot changes in 15 years, but unfortunately at some particular point we have to get the Senate to act on legislation, and that indeed has been the case here. We have acted repeatedly on these particular withdrawals, for which there were answers and questions, the environmental impact statements had been completed, and the review obviously is very key to multiple use and to the people of Southern California, if not the Nation, with regard to this resource certainly, and at any time we are going to have this sort of gap if the Senate fails to act.

Bills under the Engle Act, first passed in 1958, generally have set up a pattern of 15 years, which is thought to have been appropriate to readdress and to evaluate what the impacts are, and we have adopted that. We have repeatedly adopted it in Colorado and many other States.

Along these lines, I might just wind up the testimony from this witness by saying that you referred to the Department of Defense's new emphasis on the environment, on land use management, which is not entirely new but certainly new in the sense that it is manifest in the fact that they have appointed an under secretary of your qualifications and mission at this particular point.

But I think it would probably be a good time in the next year and a half or so to review existing laws and consider a new general statute for management of Defense Department land because it is so key. The Department of Defense, as was indicated here, manages a considerable public area, much of which has been withdrawn, some of which is owned outright, and so I think having an overall policy with regard to how we approach that perhaps would be something that we could all work together on and eliminate the sort of ad hoc basis in terms of how we treat lands in California or other areas, quite apart, I might say, from the entire issue dealing with the California Desert, but to try and put in substantively some of the issues that are referenced. If the agreements exist and if there are patterns that have developed, perhaps it is time to get down to writing a more generic law on the subject matter.

Are there any further questions of the witness?

If not, thank you, Ms. Goodman, for your testimony.

PANEL CONSISTING OF DEBBIE SEASE, LEGISLATIVE DIRECTOR, SIERRA CLUB, ON BEHALF OF THE CALIFORNIA DESERT PROTECTION LEAGUE; AND GERALD E. HILLIER, CALIFORNIA DESERT COALITION

Mr. VENTO. I would like to ask Debbie Sease, who is with the California Desert Protection League, and Mr. Gerry Hillier, with the California Desert Coalition, to come forth at this time.

Our schedule is to hear from our colleagues at about 1 p.m., and I would like to keep to that schedule, and so ask you to try to sum-

marize your statements. With the few Members present, I think we could probably conclude the questioning of these witnesses by one o'clock and keep my commitment to the other Members that might be reporting at about then for their testimony.

Ms. Sease, Mr. Hillier, your statements have been made part of the record, and at this time, Ms. Sease, we would like to have your presentation. Please proceed.

STATEMENT OF DEBBIE SEASE

Ms. SEASE. Chairman Vento, members of the committee, I thank you for this opportunity to testify on the California Desert Protection Act on behalf of the Sierra Club and the California Desert Protection League, a coalition of more than 100 conservation, civic, and educational organizations.

The California Desert has been well served by this committee. Thanks to your leadership and that of Representative Lehman and Chairman Miller, the House last year enacted a bill very similar to what is before the committee, only to have it die in the Senate. Now, with the bill fully supported by both of California's Senators and the administration, there is every reason to believe that this will be the year that the California Desert Protection Act is signed into law.

I am pleased to offer our unequivocal support for this legislation. I urge you to move this bill forward expeditiously. It is time and beyond for Congress to provide a statutory framework for the protection and management of the California Desert. It is time for Congress to choose a future for this area.

My testimony will be brief. There is little I can add to the already extensive record that has been established regarding this legislation. Nonetheless, you will hear today from witnesses that there need to be more hearings before you act. There have been enough hearings.

The printed record from the dozen hearings that have been held here and in the field make a stack more than one foot tall and contains almost 10,000 pages of testimony. By the end of today, close to a thousand witnesses will have testified or offered statements either for or against this measure. This is enough; it is time to act.

Your choices in determining a future for the California Desert are clear. Scientists have told you of the biological wealth of the California Desert and have provided ample evidence to support their warnings that desert flora and fauna are in jeopardy. Historians and archeologists have spoken of the threads of a 10,000-year-long tapestry of human history that are tantalizingly exposed in the desert but which are being snatched from our public trust by looting and by thoughtless acts of vandalism. Educators have pled that this, one of nature's greatest classrooms, be preserved. Young and old alike have urged you to safeguard this land for future generations.

However, not everyone has called for protecting this great resource. Some would have you radically scale back this far-sighted protection plan rather than see their activities in the desert limited. Miners have urged that much less land be designated as Park and wilderness. Ranchers have decried the loss of grazing privileges in the 1.5 million-acre Mojave. Dirt bikers have protested

putting any of the desert's primitive trails off limits to their vehicles.

It is time for Congress to choose how it will balance these demands, and one or a dozen more hearings are neither necessary nor would they make this choice any easier.

You will hear from witnesses today that this legislation needs to be modified to provide relief for miners, ranchers, and off-road vehicle enthusiasts who are adversely affected. The bill before you is, in fact, a product of just such compromises. More than 200 modifications have been made in the legislation since it was introduced in 1986, wilderness and Park boundaries altered in entire areas deleted to accommodate the concerns of miners, utilities, the military, and off-road vehicle users.

You will also hear that this legislation is unnecessary, that the desert plan prepared by the Bureau of Land Management is sufficient to provide for the long-term protection of the desert's resources. That plan is not sufficient. During the decade it has been in place, the desert's resources have continued to be diminished. Moreover, the California Desert Protection Act is not an abandonment of the process begun by Congress in 1976 with the establishment of the California Desert Conservation Area. It is the fulfillment of the promise by Congress in that Act to provide for the immediate and future protection of the lands of the California Desert.

Finally, this legislation has been chosen by the National Rifle Association for a showdown over hunting in National Parks. It is hard to imagine an area of comparable size in the West where there is as little hunting activity as the Mojave, and yet last year the NRA mounted a successful campaign to amend the bill to allow hunting in the Mojave National Monument.

Our National Park System is for the preservation of America's finest natural areas and for the education and enjoyment of visitors. Hunting and the use of firearms are not appropriate in such areas. A new Mojave National Park is strongly supported with three out of four Californians supporting establishment of the Park. A Field Institute poll of Californians showed that 84 percent of those surveyed opposed hunting in any newly created Parkland.

I urge you to put this debate behind you and choose. As vast as the desert resource is, it is not vast enough to withstand indefinitely the kind of rough, uncontrolled use it has seen over the past several decades, for it is a finite resource and, if unchecked, the demands upon it are infinite. It is my hope that you will choose as you have in the past for our children and for their children and adopt this visionary protection plan for the California Desert.

Thank you.

[Prepared statement of Ms. Sease follows:]

SIERRA CLUB

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Testimony of
Debbie Sease, Legislative Director

for the
Sierra Club

on behalf of the
California Desert Protection League

Before the House Committee on Natural Resources,
Subcommittee on National Parks and Public Lands

Regarding
"The California Desert Protection Act"
H.R. 518

June 14, 1993

Chairman Vento, Members of the Committee, I thank you for this opportunity to testify on the California Desert Protection Act. My name is Debbie Sease, and I am the Legislative Director for the Sierra Club. My testimony today represents the views of the California Desert Protection League, a coalition of more than 100 conservation, civic and educational organizations.

The California Desert has been well served in the past by this Committee. Thanks to the leadership of Representative Lehman, Chairman Vento, and Chairman Miller the House last year enacted a bill very similar to what is before the Committee, only to have it die in the Senate. Now with the bill fully supported by both of California's Senators and by the Administration, there is every reason to believe that this will be the year that the California Desert Protection Act is signed into law.

It is with great pleasure that I offer our unequivocal support for this legislation. I urge this Committee to move this bill forward expeditiously. It is time -- and beyond -- for Congress to provide a statutory framework for the protection and management of the California Desert. It is time for Congress to choose a future for this area.

My testimony today will be brief. There is little that I can add to the already extensive record that has been established regarding this legislation. None-the-less, you will hear today from witnesses that there need to be more hearings before you act. There have been enough hearings. The printed record from the dozen hearings that have been held, both here and in the field, makes a stack more than one foot tall, and contains almost 10,000 pages of testimony. By the end of today, close to a thousand witnesses will have testified either for or against this measure. This is enough. It is time to act.

Your choices in determining a future for the California Desert are clear. Scientists have told you of the biological wealth of the California Desert, and have provided ample evidence to support their warnings that this resource is in jeopardy unless steps are taken to halt the insatiable demands of an expanding, and increasingly mobile population in the region. They have told you that the fragile soils of the Desert and its flora and fauna cannot withstand the continued assault of unrestricted off road vehicle use.

Historians and archaeologists have spoken of the threads of a 10,000 year long tapestry of human history that are tantalizingly exposed in the Desert, but which are being snatched from our public trust by looting, and by thoughtless acts of vandalism.

Educators have plead that this, one of nature's greatest class rooms, be preserved. Mothers with young families and elderly desert visitors alike have urged you to safeguard this land for future generations.

Not everyone has called for protecting this great resource. Many would have the Congress abandon or radically scale back this far-sighted protection plan rather than see their activities in the desert limited or curtailed. Miners have urged that much less land be included in park and wilderness designations. Ranchers have decried the loss grazing privileges in the 1.5 million acre Mojave. Dirt bikers and dune buggy riders have protested putting any of the desert's primitive trails off limits to their vehicles.

It is time for Congress to choose how it will balance these demands, and one or a dozen more hearings are neither necessary, nor will they make this choice any easier.

You will hear from witnesses today that this legislation needs to be modified to provide relief for miners, ranchers and off road vehicle enthusiasts who are adversely affected. The bill that is before you today is, in fact, the product of just such compromises. More than 200 modifications have been made in the legislation since it was introduced in 1986. Wilderness and park boundaries have been changed, and in some cases entire areas have been deleted from the proposal to accommodate the concerns of miners, utilities, the military and off road vehicle users.

You will also hear that this legislation is unnecessary -- that the Desert Plan prepared by the Bureau of Land Management is sufficient to provide for the long term protection of the Desert's resources. That plan is not sufficient. It has been in place since 1980, and in that time the Desert's resources have continued to be depleted, and the plan, through the amendment process, to be weakened.

Moreover, the California Desert Protection Act is not an abandonment of the process begun by Congress in 1976 with the establishment of the California Desert Conservation Area -- it is the fulfillment of the promise by Congress in that Act to "provide for the immediate and future protection" of the lands in the California Desert.

Finally, this legislation has been chosen by the National Rifle Association for a showdown over hunting in National Parks. It is hard to imagine an area of comparable size in the west with as little hunting activity, as the Mojave, and yet last year the NRA mounted a successful campaign to amend the bill to allow hunting in the Mojave National Monument. Our national park system is for the preservation of America's finest natural areas, and for the education and enjoyment of visitors. Hunting and the use of fire arms are not appropriate in such areas.

A new Mojave National Park is strongly supported, with three out of four Californians supporting establishment of the park. A Field Institute poll of Californians showed that 84 percent of those surveyed opposed hunting on any newly created park land.

I urge you to put this debate behind you and choose. As vast as the desert resource is it is not vast enough to withstand, indefinitely, the kind of rough, uncontrolled use it has seen over the past several decades -- for it is a finite resource, and if unchecked, the demands upon it are infinite. It is my hope that you will choose, as you have in the past, for our children and for their children, and adopt this visionary protection plan for the California Desert.

Mr. VENTO. Thank you.

Mr. Hillier, we would like you to take five minutes or so, maybe a little longer. You have got a long statement. It will all be in the record, I assure you.

STATEMENT OF GERALD E. HILLIER

Mr. HILLIER. Thank you very much, Mr. Chairman, for the opportunity to appear today. I have submitted a longer statement, as you know, for the record and will summarize here.

Planning and dialogue have gone on about the California Desert and its management for over 25 years. Forward looking action in 1976 created the California Desert Conservation Area and resulted in the creation of a comprehensive plan for management of the public lands. I was personally involved in 16 years of that process, including a Federal court challenge to the plan and its process in which the work and its open public processes were sustained by the Ninth Circuit Court of Appeals.

Today, we seem on the brink of undoing the plan and the process and substituting, through H.R. 518, an ill-conceived, unbalanced, unwarranted, and uneconomic proposal for managing the region. H.R. 2379, which has just been introduced, in contrast, considers the issues and public interest associated with the desert, its people, resources, and heritage. This body should not dismantle the functioning system of natural resource conservation established by Congress in 1976.

H.R. 518 implements an extremist agenda at the expense of legitimate needs of users now and in the future whose activities are and can be managed while natural resources are conserved, managed, and carefully utilized. Those resources are used and needed by all Americans.

The desert provides a diverse and multifaceted recreation opportunity for millions. All agree that appropriate regulation of the desert is proper, but let us proceed in a reasoned manner considering economics, costs, and the value of goods and services foregone. Let us balance, as did the plan approved by Secretary Andrus, and not enact extremist and unwarranted measures which will foreclose management options forever.

The illusion has been created by proponents of H.R. 518 that without the bill the desert will not be protected. This is absolutely false. The desert is protected now by rangers with law enforcement authority in a working system of State and regulatory authorities.

My full statement lists 13 fundamental flaws with H.R. 518. These cannot be fixed by mere tinkering. The foundation is wrong, using only wilderness and exclusion as prime management tools. I focus on five today. The CDCA plan and H.R. 2379 reflect a consideration of land patterns and carefully weighed this factor in making wilderness recommendations. As a result, only four areas have significant private and State lands which would become in-holdings.

By contrast, in H.R. 518 there are 25 areas in wilderness and new areas to be administered by the National Park Service which have significant private and State in-holdings. These extend far beyond the Catellus and State lands and involve thousands of individual landowners and transactions. I estimate the cost for acquisi-

tion would be about $400 million for H.R. 2379 and over $1 billion for H.R. 518.

H.R. 518 is touted as a recreation bill, yet it does not add a single acre to California's recreation land base. Rather, it restricts activities, and, with Park expansions and the establishment of a Mojave National Monument, it would actually foreclose recreation opportunity and diversity. As the State's population grows, this seems the wrong thing to do.

Two items come to mind. The first is the Joshua Tree bolt issue described in the *Los Angeles Times* on May 26 in which rock bolting is to be prohibited in Joshua Tree. In that article, the National Park Service says how this is inconsistent with Park and wilderness management. While this level of management may be appropriate in some settings, do we want and can we afford this kind of regulation on six million more acres of the California Desert?

The second regards hunting, a point that has been made often and the point, there will still be 9.5 million acres in the desert open after the East Mojave is closed. What we have here are quality and access issues. If the East Mojave is removed, the prime deer hunting area of the desert is removed, also the special bighorn sheep hunts, also the source for bighorn sheep transplants to other mountains in the desert.

The East Mojave also furnishes quality upland game bird hunting because of its elevation and waters, and parenthetically I add that these waters are mainly installed and maintained by the ranchers, not the Government, and if they are to be maintained the Government will have to assume the responsibility.

Many of the areas found not suitable to recommend for wilderness in the original desert plan and H.R. 2379 were done so because of known mineral values within them. My long statement lists specific areas which are included in H.R. 518 without any documentation from the U.S. Bureau of Mines or U.S. Geological Survey about what is being foregone.

Of equal importance is the loss of potential sand and gravel reserves needed to maintain the interstate highways and other parts of the desert transportation network. Many potential reserves that lie within wilderness study areas are in wilderness if H.R. 518 is enacted. We are considering an area the size of the State of Virginia. Hauling costs from alternate sources raises the cost of expansion and maintenance forever.

Much is made of the threats of urbanization upon the desert. Examples such as Lancaster, Victorville, and even Laughlin, Nevada, are used. Urbanization has occurred on private lands which are part of local government regulation. While there may be increased recreational use on nearby public lands, they do not have to be placed in the totally restrictive National Wilderness Preservation System to assure their retention in public ownership and their remaining open space and wild land, no more so than the National Forests which surround the Los Angeles Basin.

A word about the East Mojave Scenic Area proposed for National Monument status. Its heritage values, including ranching, mining, and transportation, cannot be protected by this legislation. The area can be managed, is regulated now, and increased visitation

will surely leave the region developed, not at all what the sponsors of H.R. 518 envision.

Listen closely to Rob Blair as he follows me and consider his theme that, "My roots are buried here." Consider that the 25-year phase-out of grazing renders equities valueless and negates the application of modern range management. Data exist that Southwest deserts are already over-represented in the National Park System. Do not make a mistake and add this. It is not appropriate for Park or Monument status.

Look closely also at the ill-conceived expansions of Death Valley and the Saline, Eureka, Green Water, and Panamint Valleys, and consider the costs of Park Service administration and infrastructure expansion. Also look at the ill-conceived expansions of Joshua Tree, particularly on the southwest flank, into the checkerboard land pattern. Surely there must be less expensive ways to control access than to expand the Monument into the Coachella Valley and provide additional facilities there.

H.R. 2379 represents the balanced and public interest approach to managing the California Desert. The future of California must be considered, its expanding population, its demographics. Now is not the time to limit opportunities, it is the time to maintain and enhance them. Wild lands and open space can be retained in the desert at much less cost to citizens and the infrastructure if H.R. 518 is not passed and H.R. 2379 is adopted.

[Prepared statement of Mr. Hillier and attachments follow:]

TESTIMONY OF GERALD E. HILLIER

IN OPPOSITION TO

H.R. 518, PROPOSED DESERT PROTECTION ACT, AND

IN FAVOR OF H.R. 2379,

PROPOSED CALIFORNIA DESERT AND EMPLOYMENT PRESERVATION ACT

BEFORE U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON NATIONAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

JUNE 15, 1993

H.R. 518 is a bad bill. When bad bills are enacted they make bad laws. H.R. 518 in its current form must never be enacted. H.R. 2379, on the other hand, offers the balanced alternative to managing the California Desert Conservation Area, an alternative which not only manages the desert, protecting the public lands to the extent that they require it, but provides for continued regulated and managed natural resource utilization and access in the Desert. The H.R. 2379 outcome will not only protect resources, it will protect jobs, the economy of the desert and nearby industries and communities which are dependent upon its resources, and it will protect the rights of people who use the desert for a variety of outdoor recreational pursuits.

H.R. 518 purports to "protect" the Federal public lands of the California Desert Conservation Area, yet it dismantles a functioning system of natural resource conservation, management, protection, and provision of jobs, raw materials and infrastructure enhancement to the all the citizens of all of the United States. H.R. 518 cynically substitutes a massive Federally mandated natural resource preservation program which will do little except cost millions of scarce taxpayer dollars, and expands wildland "parks" which will actually result in the very "development" that its proponents decry while supplying fewer outdoor recreation opportunities. The people of the United States and California do not need H.R. 518. The natural resources of the California Desert Conservation Area do not need H.R. 518. **The massive shifts in land use to wilderness preservation and parks proposed in H.R. 518 is unneeded, unwarranted and uneconomic.**

The Bureau of Land Management is charged by the Congress to carry out the management goal of resource conservation. In 1976, after over 8 years of debate and dialogue, Congress established the California Desert Conservation Area to give attention and

management direction to the resources on public lands in this region. This hearing, today, should be directed to **affirming and implementing the resource conservation management goal.**

H.R. 518 does not. H.R. 2379, in contrast, affirms the goals of the plan, the goals of balancing the legitimate resource management goals of the desert with the private property infrastructure in the desert, and considering the needs and desires of the people of California who use the desert and know it best.

It is unfortunate that there remains a lack of public consensus surrounding managing the desert. The bills currently pending here and before the other house, despite what you may have heard about "compromises," do not represent consensus, and in fact represent a cynical attempt to portray themselves and representing concessions and compromise. H.R. 2379 represents the true compromises which have been made regarding management of the California Desert Conservation Area, and the balancing process was affirmed in Federal Court actions which reviewed both the process and its Environmental Impact Statement.

In the current debate over the management of the California Desert Conservation Area, "conservation," "protection" and "preservation" are being used synonymously. This is inaccurate and misrepresents the true aim, or the likely outcome of HR. 518, which will Congressionally limit access by most of the public within virtually every mountain range in the California Desert Conservation Area. H.R. is definitely not conservation legislation within the long history of enactment of such pieces.

While consensus may be impossible to reach, given the emotion and length of the debate, the issues, and the importance of all of the resources, it is certainly possible to come closer than H.R. 518. H.R. 518 represents on extremist view, and has not been fundamentally altered in scope or philosophy since original introduction in the US Senate 1986 as S. 2061, nor since proposed to the Bureau of Land Management as a Desert Plan alternative in March of 1980 by the Sierra Club. Its lifetime should not, and must not, be given credence to make it seem like the right thing to do. It has been "amended" somewhat in seeming compromises to assure the Desert Plan right-of-way corridors can be implemented, but the basic differences of over the potential of over 130 Congressionally designated Wilderness areas has not changed. This is the rub--"compromise" has not led to trade-off, "compromise" has not recognized areas are now managed and protected, "compromise" has been largely cosmetic. H.R. 2929, passed by the House in the last Congress, perpetuated the elitist view of desert management, that only massive establishment of wilderness and units of National Park Service administration could "save" the desert. From what? The people who use the desert, who are employed in the desert, who recognize the need for balanced and regulated use of the desert's resources?

H.R. 518 has been promoted with passion and virtual religious zealotry that preservation-oriented special interest groups have expounded: "You are for us and support desert "protection" and "conservation," or you are against us and support desecration and despoliation of the desert." **This absolutely and completely misrepresents the facts and values of the people who oppose the bill for sound and objective reasons. The people who oppose this bill are not despoilers of the desert, have agreed to regulation, and believe in wisely using and caring for the desert's resources. The outcome, this bill, totally ignores the views of any public who disagree with them.**

Proponents of H.R. 518 would have you believe that by entering endorsements from various groups from places with large populations that the majority of Californians support the bill and its goals. (E.g. San Francisco, Marin, San Mateo Counties.) **I believe,** and you should, too, **this "support" is born of ignorance.** Who would not respond favorably to a question, "Do you favor protection of the desert?" The fact is, however too few people know of the efforts of the past decade, know of the establishment of the California Desert Conservation Area, and know there is already in place a management system, zoning and a trained professional **law enforcement force on the ground,** enforcing rules and regulations which have been in effect for over 12 years, and in some cases 20 years. **The facts are that elected representatives who know the area first-hand and who represent the area on the County Boards of Supervisors, in the State legislature, and in this House of Congress, have consistently opposed these bills and this extremist management plan for the California Desert.** H.R. 518, and its predecessors and companions, and the Sierra Club advocacy occurred at a time when CDCA management was just beginning, and the dialogue advocating their own desert "plan" has simply ignored current management or related old war stories intended to discredit the agency.

How much better if groups could come together and agree and truly compromise their differences. The H.R. 518 debate has not been about compromise. It has built walls, it has built distrust. Time does not permit my giving an example of a dialogue at Kelso Sand Dunes last year, but the gist was that even if "protected now" they needed to be in a Park so "people could enjoy them." Kelso Sand Dunes are safe, managed and cared for now, as is Saline Valley, Eureka Valley, the Santa Rosa Mountains and hundreds of other special locations throughout the California Desert Conservation Area.

In the dialogue over desert management, which has really lasted over 25 years, not just the 7 during which this legislation has pended, both sides have presented extreme views and Doomsday scenarios.

The Plan for the California Desert Conservation Area balanced these views already, basically saying all views have merit but should not be applied in totality. H.R. 2379, introduced by the Congressmen who actually know and represent this region covering an area the size of Virginia, reflects the balancing and consideration of <u>all</u> the resource inventories and decisions and considerations of private property. H.R. 518 lacks balance and ignores all the inventory data. Rather, it adopts a single view and Congressionally applies it to all of the public lands in the CDCA.

We are not talking here of a contrast between saving rainforests and allowing slash and burn to continue, though proponents of H.R. 518 would have you and the public believe that that was so. We are talking about fundamental, yet abstract, differences in management degree and intensity. The proponents of H.R. 518 want to manage by preservation, exclusion, prohibition of mining, limitation of access and intensive regulation such as would be applied in new and expanded parks.

"Protection" gets mixed up in this vocabulary, and is too often used as the antithesis of management--that if use is allowed, even though regulated, somehow resources are not being protected, and is used in a concrete sense as in: "saving cactus, preventing destructive mining and stopping ORVs." As stated above, the CDCA Plan, approved by the then Secretary of the Interior Cecil Andrus, balanced these views already. ORV use is already restricted to designated routes and a few open areas. Mining only takes place in a regulated and supervised environment. Removal of desert plants has been forbidden since the 1970s from all lands, and is sternly enforced now. Why is massive and ill-thought-out change now needed?

Among other factors about which preservationists seem concerned is administration leadership and continuity of commitment. Users, however, are concerned about access. The 500,000 acres of open areas and the alleged 33,000 miles of access left does not begin to take into account needs of those, even the Sierra Club folks, who want to get off the beaten path. (Ask the Desert Peaks section how much <u>they</u> need to arrive at a suitable base for their climbs.) **The bottom line is that consensus about managing the desert does not exist, though law enforcement and regulation are now widely supported and clearly understood.** Perhaps it never did, but if H.R. 518 is passed the opportunity to achieve it will be foreclosed forever, yet the costs will come due to this Congress every year for ever increasing administrative costs of enforcing a new plan that does not have the consent of the regulated.

This hearing and work on H.R. 518, rather than be adversarial, should memorialize consensus, not pick one side or the other as being right and the other as wrong. The California Desert Conservation Area is the size of the state of Virginia--over 25 million acres. You would not plan that State's fortunes on any one

point of view. **Do not plan the CDCA on a single point of view.** Over half the desert is already unavailable--

- 3 million acres is already in Parks (Death Valley and Joshua Tree National Monuments, Anza-Borrego State Park, and several other units of the State Park system.)
- 3 million acres in military reservations (E.g. Edwards AFB, Naval Weapons Center Ft. Irwin, Chocolate Mtns Gunnery Range and others.)
- 6 million acres of private and State lands, much of which is intermingled with Federal lands, complicating management and creating a massive problem with inholdings in many of the proposed wilderness and park units; and much of which is closed to the public since it is the rich agricultural lands of the Coachella and Imperial Valleys.

H.R. 518 applies to the remaining half of the desert lands, that 12.5 million acres of public lands administered by the Bureau of Land Management. The bill's proponents talk of desert "conservation." But what in fact they have proposed is removal of uses, opportunities and access from well over one-half of the remaining public lands. The bill will "preserve" those lands like a museum specimen-"look but don't touch."

Placing massive areas in wilderness will not further public use and appreciation of these lands, rather it will simply leave them as remote as the Himalayas. Many of these areas are not threatened now, are being cared for, and will not be threatened with either development or improper use in the future.

It is fair to ask, "Then why not put them in Wilderness or otherwise "preserve" them? Let's just make sure harm does not come to them." The answer gets to the reason we have Wilderness, Congressionally enacted with a multitude of controls, and wilderness/wildlands which should and will remain committed to open space, and many of the areas found "not suitable" by the Bureau of Land Management do harbor resources which require access to manage the land--bighorn sheep which are dependent upon water developments which have been placed and cared for by thoughtful sportsmen-conservationists and which need periodic maintenance; minerals which may have strategic or economic utility in the future and for which there may never have been knowledge or even exploration; opportunities for recreation such as rockhounding and enjoying remote corners of the desert; and a really important resource--the rock sources which are needed to economically maintain the 4 Interstate Highways which traverse the California Desert, but which, since they aren't developed yet, lie within Study Areas, and Wildernesses proposed by H.R. 518.

All these activities require vehicular access and sometimes limited "development." Such access is gained, contrary to myth, not by

off-the-road cross country vehicle use, but by careful access on existing ways and trails or by regulated new construction, but which will be closed or prohibited by these massive inclusions in the National Wilderness Preservation System. These are wildlands, they will remain wildlands, but they are not Wilderness! They need to be managed and conserved, not preserved and walked away from.

They cannot be walked away from. Many of these lands in areas which BLM found "not suitable" are accessible. They will take vigilance and costly patrol and enforcement and expensive rehabilitation to blot out the access ways into them. Changing behavior and posting and enforcing are tasks that will require capital expense that this committee and the bill's sponsors have overlooked.

I believe that H.R. 518 contains a number of fundamental flaws which I will discuss below, before proposing a comprehensive recommendation to you:

1. **There is a presumption that if land is not administered by the National Park Service or placed in the National Wilderness Preservation System it is "not protected." NOT TRUE.** What do you think the Bureau of Land Management has been doing since even before the creation of the CDCA Plan in 1980? What do you want BLM to do? What is the Congressional charge and mandate? The only source is the Federal Land Policy and Management Act (FLPMA), passed in 1976, simultaneously with the creation of the Desert Conservation Area. The mandate there was to plan for "management, use, protection and development." In addition, BLM was to carry out all the other laws, such as the National Environmental Policy Act (NEPA) and the Endangered Species Act. **This mandate included, and continues to include, protection of resources.** That is what the CDCA Plan was all about: what to protect and to what extent. I have already touched on the extreme views on both sides. The CDCA Plan brought all these views together, and Secretary of the Interior Cecil Andrus approved the Plan. I was there.

BLM has fundamentally altered desert management and protected resources--

- **It established a Ranger Force,** and began law enforcement activity--the first anywhere in the United States!
- **It proposed wilderness designations, and protected other areas of wilderness suitability.** It prepared Wilderness Study Area reports on the 2 million acres of suitable, fully documenting mineral resources. Many of the areas found "not suitable" in the study and public hearing process were dropped because of already known high mineral values. H.R. 518 proposes to establish many of these as units of the National Wilderness Preservation System without the same rigor of documentation which it requires of the Executive Branch agencies.

- **It developed individual management plans for many critical areas of the desert and implemented them so as to prevent either future deterioration or correct past abuses.** These have included such areas as Darwin Falls, Afton Canyon, the East Mojave National Scenic Area, and hundreds of other areas.

BOTTOM LINE:

THE PUBLIC LANDS OF THE CALIFORNIA DESERT CONSERVATION AREA DO NOT HAVE TO BE PLACED IN PARKS OR WILDERNESS TO PROTECT THEM. THEY ARE PROTECTED NOW. THEY ARE MANAGED NOW. IF THERE ARE SOME THINGS THAT ARE DEEMED TO BE STILL AMISS, CORRECT THEM WITH ADDED RANGERS FOR ENFORCEMENT, BUT APPLYING H.R. 518 IS ANALOGOUS TO PERFORMING MAJOR SURGERY ON A PATIENT WITH A COLD.

2. Many Wilderness Areas which would be established under H.R. 518 would be done so without regard to their manageability or practicality of management to maintain wilderness integrity. Many have access trails and ways, which may not have been "roads" under wilderness inventory definitions, but are access nonetheless. Others lie adjacent to open OHV play areas (specifically # 362) which will require major patrol to assure integrity at the boundary, if it can even be found in the shifting sands. The authors of H.R. 518 have not considered the costs of administration and future management of many of these areas. Before enactment, it is essential that the Congress assure itself that it is willing to make this commitment of financial resources to carry out the purposes of the act. Promises will not suffice!

3. H.R. 518 establishes a new Mojave National Monument, in contract to the Senate's idea of a National Park. Essentially I see no difference between these proposals in terms of management goals, and whether hunting is or is not permitted in a National Monument. "Parks" have a sense of greater prestige among tourists and would perhaps get greater visitation. The fact is that visitors may come the area now, get information, and enjoy solitude and desert vistas which probably will not be possible under either alternative. More visitation, more controls, more rangers, more internal infrastructure is exactly what desert management should not be about. I have said that the proponents of National Park Service administration probably won't like the area very much if it should be so designated, and I continue to believe that. It will lose the very character they hope to "preserve." I have attached to this testimony a statement about the East Mojave National Scenic Area, which would become a National Park under S. 21. It is not suitable for a park, despite a staff paper prepared in the 1970s by a team of low level BLM recreation staff. Later study deemed it more appropriate for managing its myriad of resources and human and heritage values in a new concept: a National Scenic Area.

The Bill also designates Death Valley and Joshua Tree National Monuments as "Parks," and expands them. Expansion of Death Valley into Eureka and Saline Valleys will complicate administration with two agencies instead of one responsible for managing on opposite sides of the road, but will require that NPS establish an entirely new administrative unit to deal with these remote areas. Joshua Tree will be expanded into areas of checkerboard land pattern creating not only administration requirement well beyond their current boundary and valley but costly land acquisition needs to resolve the alternate section land patterns. While establishing more parks may sound good in principle, but the bottom lines are that:

• Not one acre will be added to California's outdoor recreation base. Yet the costs of administration and establishment of infrastructure will far outweigh any net benefit to provision of recreational opportunity.

• Establishment will actually detract from recreational activities and opportunities. Most of the desert's quality hunting opportunities exist in areas that will be in parks, and therefore banned. Activities such as even rockhounding will be prohibited. The spectrum of activities possible on public lands will simply be restricted. **The recent flap over rock climbing in Joshua Tree National Monument** (Los Angeles Times, May 26, 1993), should dispel any questions one might have regarding authoritarian management and control by NPS and what Wilderness and Parks really means to an area. With policies like this--refusal to let volunteer event sponsors defray costs by selling T-shirts, prohibiting ring bolts in favorite climb areas, and even so much as picking a dandelion--can anyone yet not see that this is not the kind of management intensity the California Desert needs or that the public can afford? **I would not suggest that such policies are necessarily wrong where appropriate, but do they need to be extended over another 8 million acres. Can the US Treasury afford to extend that level of "protection" over 8 million acres. The metaphor of the bolts in Joshua Tree symbolize all that is wrong with H.R. 518! Would a Park Superintendent quickly eliminate the rings at Hole-in-the-Wall Campground which are used daily and afford thousands a chance to see this canyon first hand?**

This Committee could tinker with H.R. 518 until doomsday, adding provisions that say, "Nothing herein shall prohibit the public climbing rocks in the Monument, with appropriate facilities, and the climbing experience in Hole-in-the-Wall shall remain untouched..." <u>But the fundamental base is flawed, the area should not be a National Monument or Park, nor should Joshua Tree or Death Valley NMs be extended as proposed in H.R. 518. H.R. 2379 will provide automatically for these kind of decisions to be made in a public interest context and get Congress out of micromanaging an area with bad legislation.</u>

• Ironically, establishment of a Mojave National Monument and expansion of existing parks may result in more, not less development. With parks, visitation is likely to increase, along with demands for services. It is easy to foresee paving more roads, expanding campgrounds because NPS limits primitive camping, and establishing services such as gas and restaurants where none currently exist. The potential of adverse development seems to be one of the scenarios that advocates of S. 21 raise as an argument, yet it is likely that its passage could stimulate more, not less development within the desert.

Congress has given inadequate attention to the long term impacts of desert wildland National Parks and Monuments, and whether more are justified. Data exists that suggest that the Southwestern Deserts are already over-represented within the National Park System. The decisions about H.R. 518, because of its costs, as well as its impacts upon people, needs to be fully explored, without the current level of emotion. While there still is no consensus on this issue, I would offer that the concept of the National Scenic Area, already established, and since expanded by Congress to apply to other special areas in the West, such as the Columbia Gorge, is entirely appropriate, and will still permit the range of managed resource utilization to continue.

Much has been made of the tourism opportunities presented by the this Bill, and the allegation that tourism will offer jobs which will replace losses from industry existing in the region. It is also suggested that with the Mojave (East Mojave National Scenic Area) infrastructure development will not occur within to accommodate the hundreds of thousands of tourist expected to descend on the area just because of its change in nomenclature. I believe this is a false premise from which to operate. First, new development opportunities will likely be precluded because of solid masses of public lands at Interstate exits which will not be disposable; and second, most of the lands at these exits, and within the crossroads portions of the region are on desert tortoise habitat, for which Fish and Wildlife Service will surely raise questions regarding propriety as well as long-term impact questions. They did with something as small as the well to service the Prima Donna and Whiskey Pete's Casinos at Stateline NV, adjacent to the area. Or will FWS simply defer to its sister agency, and acquiesce when these facilities are found to be needed to support this ill-conceived National Monument?

4. Passage of H.R. 518 will likely affect employment in the desert in the future. An argument is made that no current operating mine will be affected by this legislation. While that may be true, from where will the next mines come? Since most of the mineralized areas will become part of National Parks and units of the Wilderness System, exploration will be limited to those areas with low potential or high cost of development, discouraging most industry. Jobs are more than mining. There are jobs and

business ownership associated with the livestock industry. The key issue is less the loss of current employment, it is loss of opportunity and potential. Remember, California's population grows, and more employment, good jobs, not service, minimum wage and seasonal jobs are needed. Then, too, where the Park expansions and new Monument is proposed are not around existing infrastructure. Even if jobs are created, employment will have to be brought into the area, and providing for them, as seasonal employees, will be an added cost, not a benefit, since they will require minimum infrastructure, and will bring environmental costs with them in the form of solid waste, needs for water, and development with the areas--something that H.R. 518 proponents seems to decry of everyone else. Establishing wilderness and parks will not create the skilled and professional types of jobs which will be needed in the 21st century.

5. There is an element of hypocracy in the promotion of H.R. 518. In Death Valley, and in many areas of the West, historic mining has been romanticized and made to look good. This, despite a total lack of controls and regulation. But for some reason, modern mining, with efficiency and steel buildings seems not to inspire such reverie. The hypocracy comes from allowing NPS and its concessionaires to tout early mining as part of their heritage promotion, yet to establish a system which will surely assure that mining as we have known it will never again occur within the desert. Minerals conferences and data exist which show that the desert of Southern California is a world class mineral area. Do not foreclose the recovery, or at least the exploration for these resources.

Under the rules of the 1964 Wilderness Act, the agency must have minerals inventory performed on all its recommended suitable acreage, this to be done and reported by the U.S. Bureau of Mines and the U.S. Geological Survey. This has been done, and the formal reports were submitted to this Committee during the previous Congress. What H.R. 518 fails to provide is similar documentation on the additional 6 million acres it would place in Wilderness. What, in effect, this legislation does, is holds the agency to one standard, and holds the Congress to no standard other than to pick and choose which data it wants to consider. The fact is that many areas were dropped from Wilderness consideration during the study phase, precisely because enough was known even then about their mineralization. Among those areas which H.R. 518 includes as Wilderness, or Park, or both, and which the CDCA Plan excluded because of minerals include:

Imperial County: Picacho (356) and Coyote (373)
Riverside County: Big Maria (321), major portions of Palen/McCoy (325), and major portions of Chuckwalla (448).

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San Bernardino County: New York Mountains (265), Old Woman Mtns. (299), Clark Mtns. (227), and major portions of Big Horn Mtns (217), among others.
Inyo County: Panimint Mtns (136, 137), Resting Springs (145), Greenwater (147), Argus (132) (in which H.R. 518 even places a significant area which did not even qualify as a Wilderness Study Area), among others.
Kern County: part of Owens Peak (158).

Parks and wilderness, as proposed in H.R. 518 will remove most of the potential mineral reserves from reach of either exploration or development. This is sad, given the Nation's state relative to balance of payments, as well as maintaining its industrial base. The facts are that new mining will largely be prohibited, yet it is in a state of total regulation at this time.

The utilization of mineral resources would not be in every mountain range, or in every wash, nor is it something to automatically fear. Few acres would ever be devoted to the activity in terms of actual mine development. In current operations, miners don't even live on the property anymore, further reducing impacts. The authors of H.R. 518 either hate mining or do not trust it. Yet it is fully regulated since 1980. While there have been controversial proposals they are best handled on a case-by-case basis, and not by wholesale closure of 6 million acres to exploration and development.

6. The proponents of H.R. 518 have not considered the infrastructure issues and impacts associated with the Bill. They lack, or have ignored input over the years from public agencies like the irrigation districts and CalTrans who need and use resources for the maintenance of their facilities. **These facilities serve all of the people of Southern California, and the needs for future supplies of economically recoverable rock for sand and gravel has been totally ignored.** At the very least, 4 Interstate highways cross the desert. In addition there are 3 transcontinental railroads. Rock for maintenance is a need that extends for perpetuity. Hauling materials from Barstow or Needles, likely alternatives, will significantly raise costs, and those come back to motorists and everyone.

Several of the areas listed above, under point #5, contain such resources, another reason why the reasoned approach is needed.

7. The proponents of H.R. 518 have never put forth a budget showing the differences in costs of administration between the current system and the optimum level needed to implement their proposals. Passing H.R. 518, while perhaps the politically correct thing to do for the environment, will not necessarily enhance resource management, but will surely cost more.

Parks will require more staff and administration, together with added signing and restrictive closures. The last time I visited Darwin Falls I wondered about what NPS might do. Whatever they do, my guess it will be more expensive than what is being done currently, which effectively manages the area, yet allows people to drive to close proximity. More will not necessarily be better. If the current management arrangement is OK, why transfer the area to NPS? BLM has successfully maintained the closure for over 15 years.

More people will visit these areas, not because they are "new" recreation lands, but because of the publicity and attraction. Why? American psyche, but paving highways, limiting camping, and building visitor centers will require much more investment and supervision. And none of it is necessary to carry out the basic resource management responsibilities done now by the BLM. **It is foolish and unnecessary to transfer these areas to the National Park Service.** Given state of the Federal budget, this appears to be an intolerable expense compared to simply funding BLM at an adequate level.

8. Elsewhere I have referred to private lands within the California Desert Conservation Area. Enactment of H.R. 518 will create a land acquisition need of inholdings of perhaps up to one million acres. Where will the funds come from to do this? Certainly not the Land and Water Conservation Fund, which is overburdened now. From funds needed to purchase real estate in the Santa Menace Mountains NRA? Someone needs to ask hard questions--How much, and from what source?

I have attached a comparison table to this testimony setting forth differences in land acquisition costs. Based on current estimates of land values within broad ranges, H.R. 2379 would cost approximately $382.5 million. **H.R. 518 will cost 1.23 billion!** And that is just for land acquisition. A significant fact about the two approaches is that H.R. 2379 considers these private land situations, and suggests only a reasoned and studied land need. Only 4 areas recommended for Wilderness in H.R. 2379 have large acreage of private inholdings. In contrast, H.R. 518 has 25 areas within it with extensive private and State land inholdings, with thousands of landowners.

It is suggested that exchanges could cover these expenses. There has already been tradeoffs made with the State and with Catellus to do that, or buy if it cannot be done. Remember, exchanges require agreement as the acceptability of the offered Federal lands to the private land owner, as well as balancing dollar values. And it also requires that disposal of the Federal lands be in the public interest. With the issues facing Southern California regarding the desert tortoise habitats, the gnatcather, and other species, plus the desires to retain open space even in areas of limited public land ownership, I assure you that exchanges needed to satisfy

inholding acquisition needs of S. 21 will be costly and impossible to make in a reasonable timeframe. And while exchanges may appear to cost the Treasury less, they take time, and there are administrative, negotiation, and clearance (archeological Section 106 surveys, and threatened and endangered species surveys to satisfy US Fish and Wildlife Service) costs, which may be very high, and may result in no way to dispose of Federal lands.

Interstate land exchanges have been suggested, too, those these are obviously fraught with conflict and disagreements. Should public lands in Nevada or Montana be used to satisfy land needs in California? Only Congress can answer that question, but I assure you that your constituents will not be silent.

Much too little attention has been given this factor.

9. There has been no apparent balancing of needs among competing desert interests. At this point, I think there is consensus that lands that really should be part of the National Wilderness System should be there--the Whipples, the Last Chance Range, Eureka, Saline, Providence Mountains, the North Algodonnes.

Put these lands in Wilderness. That could have been done 10 years ago. What we are arguing here is the marginal areas, and the access needs for the huge wildernesses that will be unlike any other wilderness in the continental United States. An area's simply being "roadless" is not enough, now that a system of management is and has been in place. Access for vehicle travel, beyond the county road net, and places to car and RV camp must be made. The desert as it exists in the CDCA is different than Parks. Some people prefer one, other another. Do not make all desert users conform to a pattern. Do not forget that vehicle access is a fundamental requirement, even for backpackers.

An argument is made, too, that provision of the 500,000 acres of open play area will take care of off-road vehicle use. Absolutely not. Play on vehicles and access are two entirely different concepts. Were you to read the CDCA Plan, you would find these issues split. ORV Play is an activity. It can and does take place in limited areas. But <u>all</u> desert users seek access in vehicles, and in that context they are a means to an end, whether that be rockhounding, bird watching, photography, hiking, mountain climbing or any of the myriad of other pursuits which are <u>currently</u> possible in the California Desert Conservation Area.

10. There seems to have been little consideration of the planning effort and process which extended from 1977 to 1980. It was a valid process and considered the needs of all the people. It now appears that the Congress intends to micromanage the California Desert, substituting its Desert Plan for that developed and approved by the Advisory Committee and Secretary Andrus. I have attached a copy of that approval sheet to this testimony because I

believe that it reflects the efforts at consensus building and considering all management options, not just a single philosophic agenda.

There is little need here to restate the history of how we got to the creation of the California Desert Conservation Area. But there is validity in looking at the history since 1980, facts which are not often considered in the current debate.

The Proposed Plan for the CDCA was released on schedule on September 30, 1980. Another round of public hearings ensued. In late November the Advisory Committee met at Zzyzx and ratified the final plan, but gave some additional recommendations. Final fine tuning was given in early December. Wilderness acreage recommendations were significantly increased on the basis of public input. The number of Areas of Critical Environmental Concern were, too. Over half the desert was placed in Class L, or Limited Use. During the third week of December, when the team was in Washington getting the Plan formally approved, opponents filed suit and attempted to enjoin the Secretary from signing the plan. That failed, but litigation continued for almost 4 years.

Who opposed the Plan at its outset? The off road vehicle groups, the mining association, some local governments. These are now the plan's biggest supporters! They sought an overturning so as to seek a less restrictive plan from the new Administration. It is significant that the Administration fought the suits, defending the plan and the concept of the Desert Conservation Area. Ultimately the suit failed, after being carried to the 9th Circuit Court of Appeals. The Court ruled that BLM had followed the proper planning processes.

Not long after settlement of the suit, the one group having sought Judicial Branch adjustment of the CDCA Plan, S. 2061 was introduced which signaled an attack on the plan from the other side, this time through the Congressional Branch. We are here today, culminating that effort. I believe that this effort to undo the plan must be rebuffed by the Congress in the same manner as the Judiciary rebuffed the earlier attempt by the other side to undo the Plan.

This is American Government in action, and all three Branches have been involved, and will probably remain so. While good civics, it is poor public policy.

The current proponents of H.R. 518 speak of a need to protect and preserve open space and wildland values. But they point to urban expansion on private lands in the Lancaster, Victorville and Coachella Valley areas, as well as at Laughlin, Nevada. I do not believe any of us will argue with the intent of saving the open vistas of the public lands. But the Congress does not have to place lands in the most restrictive category known--the National Wilderness Preservation System--to accomplish this. H.R. 2379

takes a balanced approach, places reasonable and responsible acreage in that system, and assures that the public lands in the balance of the desert will be retained in public ownership, and assures close cooperation and coordination with local government regarding development. Under current law, however, the public lands cannot, even now, be urbanized. That is a false threat.

11. Off road vehicles, their utilization for both play and access have been a consideration, in fact the driving force, behind planning in the California Desert since its inception. Unfortunately their use, and the management of the use is not simple. Motorcycle racing on the desert has been highly visible and much is made of it in terms of damage and destruction. But really few users, given the total numbers of people who come to the desert, are racers, and most racing is limited to close-in areas. These were designated in 1973, and redesignated in 1980. Racing is under control. It is not a problem, and especially is it not a problem in any of the areas under consideration in H.R. 518.

Many of the areas used for close-to-home OHV recreation in the desert are on private lands under absentee ownership. Often BLM gets blamed for its allowance, but it is a local law enforcement issue.

As one traverses the desert from Eureka, through Saline, Panimint, across Kingston, across the East Mojave, Ward Valley, the Chuckwallas, and on into Imperial County, you look in vain for "destruction" from off road vehicles. It does not exist. Expanding units of the National Wilderness System on the sole basis of controlling OHVs is a strawman. The only vehicles which enter most mountain ranges are those which are equipped to do so, and which stay on roads and trails. The area is too remote to take a vehicle cross country and break down with it. Too, most people have far too much invested in vehicles to wantonly be destructive with them. The OHV use is a bogeyman, being used to scare people into supporting unneeded and unwarranted additional regulation and prohibitions. Too, it ignores the fundamental fact: **the desert is different, and it is so huge that vehicle access is an absolute necessity if one is to enjoy it, explore it or work in it beyond the county road network.**

12. An argument is made that H.R. 518 is needed to save endangered and threatened species such as the desert tortoise. US Fish and Wildlife Service is issuing its recovery plan for that. Separate administrative planning and implementation will be required for that. Most of the desert tortoise habitat is beyond the boundaries of any of the wilderness and park areas in H.R. 518, thus it is really not required and cannot be justified on that basis.

13. Much is made of the future needs of California. The specter is raised that with increased population growth, Wilderness

and park "protection" will be needed so that the desert does not become like the Santa Menace Mountains. That argument is fallacious. The public lands in the CDCA are committed to remain in public ownership, thus, repurchase potential is absolutely a strawman. But let's look at the growth patterns--more in urban areas, more minorities, more retirees as the baby boomers age. What kinds of recreation will they want? I believe that rather than restrict opportunities, the Congress would be well advised to expand them. The future is too important to allow options to become limited. I agree open space and wildland will be crucial, and the desert must remain a land of vistas and scenery. But it can also be a resource treasure trove to supply jobs and recreation to millions more. **It can be both if the draconian provisions of H.R. 518 are not applied.**

Instead of a legacy of limiting opportunities, let us leave a legacy that memorializes the creation of the California Desert Conservation Area as the real forward-looking action. Let us not undo it for narrow goals, but reaffirm its broad goals of "management, use, protection and development" in a managed system, not a museum oriented system.

As an attachment to this testimony I have attached inscriptions on two plaques which exist in the CDCA. One memorializes Congresswoman Shirley Pettis without who efforts in this building, the CDCA would never have been created. The other memorialized J. Russell Penny, a career BLM administrator, who conceived the CDCA. Both of these displays will lie within areas transferred to the National Park Service should H.R. 518 be enacted. I respectfully request that language be inserted in the legislation, if it continues, that these plaques remain on the lands and at the sites where they currently exist.

I believe that the House the Congress as a whole must not pass H.R. 518 or its companion in the Senate, S. 21. It should pass h.R. 2379, which truly represents the public interest and the true spirit of compromise to assure that the California Desert is managed and protected and conserved for California's future and for the economic well-being of America.

If the House proceeds to work on and mark-up H.R. 518, then I suggest the following:

- Pass the wilderness recommendations proposed in the 1980 conservation plan for the California Desert Conservation Area, upon which there is firm documentation of the resources forgone.

- If the Congress wishes to make a statement for stronger preservation, do not "release" the other areas in Wilderness Study Area status. Rather, leave them in "further study," order that they be surveyed, too, by the US Geological Survey and Bureau of Mines, so that there will be an equal rigor of documentation on the

other 6 million acres which H.R. 518 would place in Wilderness. In the interim these lands would continue to be managed and "protected" under the Interim Management Policy. With the order for survey, funds must be appropriated, too, for this work to commence, but it will be a small cost compared to the value of resources lost if they do become Wilderness while containing valuable resources, and it will defer the costly implementation of full wilderness preservation on lands which may not be suitable or proper for such preservation.

• Do not create the Mojave National Monument or Park. It is neither needed nor wanted, nor of a caliber that places it in such an exalted category. Leave it with the Bureau of Land Management so that resource utilization and management may continue as well as the variety of recreational pursuits. Too, not creating a new unit of the National Park System will save millions, as well as forestalling the development of park and parkland infrastructure which would surely follow designation. A vote against the park is in reality a vote against development! Ironic, isn't it?

• Congressionally enact and direct management goals for the National Scenic Areas already created in the CDCA--East Mojave and Santa Rosa Mountains. This will firm up the boundaries and give permanent priority to these areas.

• Proceed to "upgrade" Death Valley and Joshua Tree National Monuments to National Park status. Based on visitation, at least Death Valley seems worthy of it.

• Do not expand the areas of Death Valley and Joshua Tree N.M.s. These have been studied for years, and the current boundaries with a few exceptions are practical and manageable. Expansion of Death Valley, particularly, into Saline and Eureka Valleys will be costly to the government, since NPS will have to establish additional management units to cover these areas which lie geographically remote from Death Valley itself. Be aware, too, that NPS will require extensive infrastructure development to expand their level of management to this region, assistance which will not likely be forthcoming from either State or local government. Too, "development" of these valleys will surely occur as they cease to be remote corners of the desert and visitors need to be supplied and assisted.

• Before any additional expansions to either wilderness or parks are completed, require completion of some form of Cost-Effectiveness analysis be objectively performed to answer the questions: What will be the increased cost of administering the CDCA and all the NPS units with H.R. 518's Wilderness and park proposals, plus what is the value of the resource uses and resources foregone if the proposals are implemented? What is the marginal value of this increased level of protection over the current costs and values? I do not believe the Congress has this

information, is preparing to make a decision based on emotion and a presumption of resource damage which is not occurring, and is preparing to commit millions of new dollars to administering a system of land management in Southern California for which it lacks fundamental data regarding its full impacts and what it will require to even partially implement.

H.R. 518 is a bad bill. When bad bills are enacted, they make bad laws. H.R. 2379 is a good bill, and it will make good law.

Attachments:

Signature page from the CDCA Plan
Statement about the East Mojave National Scenic Area
Plaque inscriptions--dedications to: Cong. Shirley Pettis
Mr. J. Russell Penny
Statement comparing land acquisition costs between H.R. 518 and H.R. 2379

COMPARISON OF ESTIMATED LAND ACQUISITION COSTS BETWEEN THE "DESERT PLAN" (The Plan for Management of the California Desert Conservation Area, adopted in Dec. 1980) AND THE PROPOSALS CONTAINED IN S.21 AND H.R. 518, THE "DESERT PROTECTION ACT"

	CDCA Plan	S.21/HR518 Proposals
Estimated Private and State inholdings needed to be acquired to accomodate enacted Wildnerness, new National Park, and National Monument/Park expansions:	400,000 ac.	1,000,000 ac.

Land Value ranges: (estimated, and broadly applied, without considering mineral values, use as base property for grazing, access, utilities, or other factors):

Large tracts, remote	$150/ac to 1,000	avg.= $700/ac
Small tracts, remote (e.g. Lanfair Valley)	$1,500/ac to 2,500	avg.=$1,800/ac
Large tracts, close-in	$1,000/ac to 2,000	avg.=$1,500/ac
Small tracts, close-in	$2,500/ac to 5,000	avg.=$3,000

Inholdings acquisition, by type, in the California Desert Conservation Area, and estimated land costs:	Desert Plan:	S.21/HR518:
Large tracts, remote	350,000 ac. $245,000,000	500,000 ac. $350,000,000
Small tracts, remote	50,000 ac. $90,000,000	150,000 ac. $270,000,000
Large tracts, close-in		200,000 ac. $300,000,000
Small tracts, close-in		50,000 ac. $150,000,000

Estimated transaction costs to the United States to acquire lands:
Acquisition costs for staff work include:

- --Title searches (including finding owners)
- --Clearances--Hazard materials certification needed for lands which the government will acquire. For exchanges, government lands passing to private ownership must have archeologic (Sect 106) and threatened and endangered species surveys and clearances from State Historic Preservation Officer(s) (SHPO) and Fish and Wildlife Service (FWS) before disposal
- --Appraisals (either in-house or contract)
- --Negotiation
- --Title recordation and other escrow closure costs

Based on an extimate of 5 work months per transaction, and current costs of $5,000 per work month, estimate $25,000/transaction

	CDCA Plan	S.21/HR518
Transaction costs: (Catellus and State of California may be single actions, but hazard materials survey costs will be high because of acreage that needs survey. Negotiation costs will be high, and higher if exchanges are used because of the needed review of Federal lands being disposed. Each acquired tract will require individual survey and appraisal. The remaining number of tracts will be high cost because of the high number of pieces held in 5, 10 and 40 acre ownerships, each of which must be seperately assessed, appraised and negotiated.)		
Catellus and State of Calif. lands:	200,000 ac. @$50/ac $10,000,000	450,000 ac @50/ac $22,500,000
Remaining lands in private ownership:	150,000 ac.	550,000 ac
Estimated number of transactions:	1500 @$25,000 $37,500,000	5500 $25,000 $137,500,000
GRAND TOTAL ACQUISITION COSTS (estimated):	$382,500,000	$1,230,000,000

	Incl. in CDCA Plan	Incl. in S.21/HR518
Areas with significant Private inholdings:		
A. Wilderness: (virtually all are checkerboard land pattern)		
Blackwater Well (WSA 173) SB County		x
Black Mtn. (WSA 186) SB County		x
Cady Mtns. (WSA 251) SB County		x
West 2/3 Kelso Dunes (WSA 250) SB County		x
West 1/2 Granite/Bristol (WSA 256) SB Co.		x
Marble Mtns. (WSA 259) SB County		x
Clipper Mtns. (WSA 260) SB County		x
Piute (WSA 288) SB County		x
Essex (WSA 288A) SB County		x
Woods/Hackberry (WSA 271) (in prop. MNP) SB County		x
Signal Hill (WSA 272) (in prop. MNP) SB County		x
Dead Mtns. (WSA 276) SB County		x
Sacramento Mtns. (WSA 290) SB County		x
Newberry Mtns. (WSA 206) SB County	x	x
Rodman Mtns. (WSA 207) SB County	x	x

Chemehuevi Mtns (WSA 310) SB County	x	x
No. 1/2 Stepladder Mtns. (WSA 294) San Bernardino County		x
Old Woman Mtns. (WSA 299) SB County		x
Sheephole (WSA 305) SB County		x
Orocopia (WSA 344) Riverside County	x	x
Cadiz Dunes SB County (not a BLM wilderness study area)		x
Checkerboard land pattern block lying between Morongo and Whitewater WSAs (not a BLM Wilderness Study Area)		x
B. National Park/Monument establishment/expansion:		
-Private land block in Goffs and Fenner Valleys (not a wilderness study area, but lying within prop. Mojave NP.) (checkerboard land pattern) San Bernardino Co.		x
-Private land block in Lanfair Valley (not a wilderness study area, but lying within proposed Mojave NP.)(This is a mixtue of homestead properties and blocks of ranch lands) SB County		x
-Checkerboard land pattern block on Southwest flank of JTNM, within proposed expansion of Joshua Tree NM Riv. Co.		x

(There are private and State holdings, in addition to mining claims and patented mining properties in virtually every WSA and wilderness proposal, but most of the CDCA Plan excluded those WSAs with significant private inholdings unless there were significant wilderness values. Since the CDCA Plan did not recommend Parks or Park expansions, none are listed. Subsequent planning [East Mojave NSA Plan] has recommended some land acquistion, but it is not legally mandated as would be so in a Park establishment and does not include the Lanfair Valley block. The SW Joshua Tree block is not recommended in any planning document, unless NPS now endorses.)

TOTAL NUMBER OF WILDERNESS AND NATIONAL PARK PROPOSALS WITH SIGNIFICANT PRIVATE INHOLDINGS:	4	25

EAST MOJAVE NATIONAL SCENIC AREA

U.S. Department of the Interior — Bureau of Land Management

The East Mojave National Scenic Area . . . a special corner within the California Desert Conservation Area, where traces of our heritage meet the technology of the present and future; where expanses of lonely wilderness meet the imprints of man; where the freedom to explore offers the visitor challenges and delights.

Why a National Scenic Area? During the development of the California Desert Conservation Area (CDCA) management plan, a wide variety of public opinions about the future of the East Mojave surfaced: many people were concerned that the area's scenery needed to be preserved; others that its history and heritage not be lost; others that its mineral wealth should remain at least partially available for development; and still others that its diversity of recreational experiences -- available here and not generally elsewhere in the CDCA -- be maintained.

All agreed that the East Mojave is special and, since it lies between two interstate freeways, would be an increasingly popular destination. And all agreed that some special designation was needed, but that none of the existing ones seemed to fit. Out of this dilemma was forged a new concept -- a *National Scenic Area* -- that would allow BLM working with the public to develop management guidelines and programs "so as to ensure continuation of the uses and occupation which give the region its character, and yet give special emphasis to retain the area's natural scenic qualities in evaluating and permitting changes and new uses."

The CDCA Plan also included other management prescriptions for the East Mojave. It proposed seven units, comprised of 292,200 acres, be included in the National Wilderness Preservation System to assure permanent preservation of those ecosystems within the East Mojave that are truly unique and warrant full protection. It also created six Areas of Critical Environmental Concern (ACEC), covering 86,600 acres, providing special management and protection as well as additional attention from the increased number of BLM Rangers in the field.

The Plan envisioned an East Mojave where people could use resources in historic and traditional ways (e.g., cattle ranching, hunting, and rockhounding), but in a controlled and managed setting. Access for vehicles was deemed a must for recreational experiences, but off-highway vehicle cross-country play was determined to be appropriate elsewhere in the CDCA. For well over 100 years, the East Mojave also has been a transportation and utility corridor. The Plan allows continued use of these facilities, power lines, railroads, and other infrastructure, but recognizes and protects the distances between them, where thousands of acres are either untouched or have only been visited by man.

In the decade since the CDCA Plan identified the East Mojave National Scenic Area, BLM has worked with many publics to complete a variety of specific management prescriptions for the East Mojave, including an overall management plan and an interpretive plan for the Scenic Area. Detailed management plans for the ACECs, wildlife habitat management areas, and grazing allotments also have been developed. As these plans are completed, BLM's focus moves toward implementing the management actions outlined. Increased funding and staffing have allowed the agency to expand its Ranger force in the area, providing for increased patrol and compliance. New visitor services are being provided, including an expanded campground, new hiking trails and Back Country Byways, a visitor contact station, and new interpretive signs and brochures. And soon the Kelso Depot -- once the center of activity in the East Mojave during the heydays of American railroads -- will resume its place as a focal point of the region.

The East Mojave National Scenic Area is a concept that has just begun to evolve. It is a partnership among the BLM and a wide array of publics, users, and past, present, and future visitors, preserving the old values that too often get lost in Southern California, protecting its wildland character forever, managing all uses with care and professionalism, and assuring that the century-old heritage and character of the region remain intact.

DECISION SHEET

FOR APPROVAL OF

THE FINAL PLAN FOR THE

CALIFORNIA DESERT CONSERVATION PLAN

AND DECISION DOCUMENT

Endorsed:

Frank Gregg, Director, BLM — DEC 17 1980 Date

Approved:

Guy Martin, Assistant Secretary
Land and Water Resources — Dec. 17, 1980 Date

Concurred:

Cecil D. Andrus, Secretary of the Interior — 12-19-80 Date

Pettis Overlook

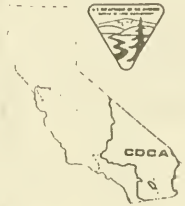
THIS OVERLOOK, WITH ITS PANORAMIC VIEW OF CIMA DOME AND THE EAST MOJAVE NATIONAL SCENIC AREA, IS NAMED IN HONOR OF THE LATE CONGRESSMAN JERRY PETTIS AND HIS WIFE, CONGRESSWOMAN SHIRLEY PETTIS. LEGISLATION SPONSORED BY THEM LED TO THE ESTABLISHMENT OF THE CALIFORNIA DESERT CONSERVATION AREA IN 1976. THE CDCA, ADMINISTERED BY THE U.S. BUREAU OF LAND MANAGEMENT, FEATURES MULTIPLE-USE LAND MANAGEMENT PROGRAMS DESIGNED TO PROTECT THE FRAGILE RESOURCES OF DESERT PUBLIC LANDS WHILE PROVIDING FOR THEIR PROPER USE BY ALL AMERICANS.

THIS SITE WAS DEDICATED BY THE BUREAU OF LAND MANAGEMENT AND THE CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL ON OCTOBER 21, 1986, COMMEMORATING THE TENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE CDCA.

Penny Overlook

THIS OVERLOOK, WITH ITS PANORAMIC VIEW OF THE PANAMINT VALLEY AND SURROUNDING MOUNTAIN RANGES OF THE NORTHERN MOJAVE DESERT IS NAMED IN HONOR OF J. RUSSELL PENNY, A CAREER EMPLOYEE OF THE BUREAU OF LAND MANAGEMENT. HIS DEDICATION TO THE IDEALS OF MANAGEMENT AND PROTECTION OF THE FRAGILE DESERT RESOURCES LED TO CREATION OF THE CALIFORNIA DESERT CONSERVATION AREA (CDCA) IN 1976. THE CONSERVATION AREA CONCEPT PROVIDES FOR MULTIPLE USE AND SUSTAINED YIELD OF RESOURCES, AND PROTECTION OF NATURAL VALUES, WHILE PROVIDING FOR PROPER USE BY ALL AMERICANS.

MINE SHAFT HEAD FRAME



THIS SITE WAS DEDICATED BY THE BUREAU OF LAND MANAGEMENT AND THE CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL ON OCTOBER 21, 1986, COMMEMORATING THE TENTH ANNIVERSARY OF THE ESTABLISHMENT OF THE CDCA.

Mr. VENTO. Mr. Hillier, what is the basis for your estimate of acquisition costs associated with the two bills? You had said that it would be $400 million for the Lewis bill, which is really not part of the hearing today, but almost a billion for H.R. 518.

Mr. HILLIER. They are based upon a range of current land values, and they assume not the exchange posture that was talked about earlier this morning but rather a range of values of what land is selling for in the desert. It is based on my personal experience in consultation with some appraisers as recently as last week of current sales.

Basically, desert land in the remote areas is selling for about $700 an acre, and some of it as high as $1,000. Closer in, some of the tracts go for as much as $2,500 to $5,000. As you get closer in, you get more and more subdivision, and so you are dealing with 10-acre tracts and many, many landowners.

There is also an inherent transaction cost, and I have estimated about 12 percent, just to process and negotiate sales, and that has to be included as an integral cost because the staffs do not exist, whether it is the Park Service or the Bureau of Land Management, to do that, and that is a tremendous cost.

If you get into exchanges, clearly you have got less capital cost in terms of paying landowners, but you then have a very, very much greater transaction cost because both the offered and selected lands have to be fully examined, and, like the budget, where every line item has a champion, in land exchanges every acre of public lands seems to also have a champion, and in many cases threatened and endangered species, and in many cases archeological resources which cannot be disposed of, and also exchanges take a willing acquirer there, the Government land that is to made available would have to be agreeable to that person, and I am not sure that—that is speculative whether that can be accomplished.

Mr. VENTO. Well, we at least know how you got the numbers now.

I agree that, to some extent, where you have subdivision you do end up with smaller parcels and that could increase the numbers, within any type of area.

One of the things that you should be aware of is that where we designate wilderness in non-Park land, we obviously preclude the eminent domain type of option.

Mr. HILLIER. That is correct.

Mr. VENTO. But the Secretary, as you noticed, says he intends to look to exchanges as a means of trying to accomplish land consolidation, especially with the railroad lands there—now Catellus lands—in any case, that ought to be something we should do anyway.

We just got through trying to do a little of that—I almost hesitate to mention it—in Montana in the Gallatin Range, which was a really important exchange. Everybody agreed, but it still ended up being, to some extent, the potential for some money being expended to make it work. Sometimes these exchanges are very difficult. Certainly our committee, which tries to struggle with them and superimpose them, in some cases, is trying to fit a square peg into a round hole sometimes.

Mr. HILLIER. Mr. Chairman, I might add to that, and this is a tremendously complicating feature of land exchanges in the California Desert, but right now there is proceeding through the public process a draft recovery plan for the desert tortoise, as you may well be aware, and specifically around the East Mojave most of the land that is designated as high priority and for withdrawal for desert tortoises butts up right against the East Mojave.

Peyote Valley and around Essex and in Chemehuevi Valley that the Secretary was alluding to, where Government land could be disposed of, have been identified by the tortoise biologists as being high priority for retention and further acquisition programs. So finding appropriate public land within the California Desert that could be disposed of to meet this 350,000- to 360,000-acre Catellus and State land need may well be impossible.

Mr. VENTO. In the legislation before us, we have of course set up a system for interstate exchange to be brought back to Congress for review.

The other Members are coming here, they have questions, but I would note that in what we call the D17 area in terms of the harvest—I guess it must be mule deer in this particular area—East Mojave is just part of that, and the harvest last year was 40-some deer, which is much higher than what it had been in previous years.

Mr. HILLIER. That is correct.

Mr. VENTO. You talked about that as being a high quality area for desert, I guess.

Mr. HILLIER. It is a significant part of the deer hunting experience within San Bernardino County. It is one of the few areas in San Bernardino County where people can actually get out. Hunting has been pretty well precluded in the more urbanized areas of the San Bernardino and Angeles National Forests.

But more important, that doesn't reflect the numbers of people who are involved in this pursuit, and, as you well know, hunting is much more than just the taking of game. Many people go out and hunt, and it is a father-son, and it is camaraderie around the campfire, and it is really a total recreation experience.

Mr. VENTO. I do know. We just have to assign them cameras now, and we will be all set.

But I just think in terms of experience, you know, we have got to try to keep it in some perspective. So there are other areas, I guess, where we want to look more closely at that because it has become an issue.

As Ms. Sease knows, the House did vote to permit continued hunting in the East Mojave, and the amendment to that effect likely will be offered again. Mr. LaRocco is promising to do it. For anyone that missed that particular statement, I want to make certain that they are aware of it.

I know you oppose such an amendment, but if it should be adopted, should we consider some other designations, such as a National Preserve or a BLM-managed National Conservation Area?

Ms. SEASE. Mr. Chairman, just as I don't like to count my legislation before it is hatched, I hate to make contingency plans before one is defeated. The conservation community is very focused on

this issue this year, and we have no intention of losing that vote over hunting in the Mojave.

Mr. VENTO. Well, the opposition is getting beat up quite regularly on other issues, and I guess they have sort of landed on this particular issue to challenge National Parks. I certainly am fully prepared to fight any type of amendment such as that. So I don't want my question to be interpreted incorrectly. I think this is a very important issue in terms of National Park policy.

Ms. SEASE. If I could add to that, there are two precedents at risk here. If you should establish a National Park and allow sport hunting—and that would be a terrible precedent for the Park system—if in an area that has relatively little hunting use—and the Mojave, in comparison to the rest of the State of California and the rest of San Bernardino County, for that matter, has relatively little hunting—if, in order to create a National Park of that unit you have to bow to hunting pressure and turn it into a Preserve, I believe that that would signal that the last public land National Park had been created, because I cannot imagine where else in the West on the public lands there would be the opportunity to create a Park without hunting.

So it is important as a precedent whether you make it a Preserve or whether you make it a Park.

Mr. VENTO. Yes, Mr. Doolittle, did you have any questions of these witnesses?

Mr. DOOLITTLE. I know our time is running out.

Mr. Hillier, I think you make a good point that you don't have to have it be in a Park or wilderness in order to afford some protection to these areas. I understand various roads are going to be closed. They will let the military fly cruise missiles over these areas and various types of airplanes and roam tanks around, but for the nonmilitary they will be denied access into these areas by closing these roads. Would you tell us what you know about the types of roads that are to be closed under this Act?

Mr. HILLIER. Many of the roads that lie within the wilderness study areas are, in fact, historic roads and trails that have been used by vehicles for a number of years. The problem came when the Bureau of Land Management performed the wilderness inventory and the definition of a road excluded any road that had not been maintained regularly by mechanized equipment—in other words, a blade or a bulldozer—and it specifically excluded the passage of vehicles as being maintenance.

So, as a result, many, many roads in the desert did not qualify as roads and, rather, were called ways, and therefore the size of the wilderness study areas and, in fact, the very placement of many of the wilderness study areas was allowable because there was 5,000 acres of so-called roadless because there was none of these trails that met the specific definition even though they had been well traveled. Huaracopia Mountains is a good example of one that is very heavily trailed and yet there are not any roads that meet the definition within them.

So there are a number of these that will be closed, a number of historic access routes, a number of access routes into popular areas, not just for hunting but for rock hounding, exploring, treasure hunting, mining exploration, servicing of grazing facilities, salts,

waters; I can go on and on. We are not talking just about off-road vehicle use, but we are talking about a very important subset of the desert transportation network that would be basically foreclosed.

I might also add that much is made of the off-road vehicle use throughout the California Desert, and yet concurrently with these accusations is the fact that within the Bureau of Land Management almost a third of the entire wilderness study area, so-called roadless, within the western United States lies within the California Desert. So it is a significant area that has been really properly used historically.

I won't deny that there are problems on both public lands and private lands close into urban development, but there has been a significant area that is basically only reached by these primitive jeep/truck trails, and those would be foreclosed.

Mr. VENTO. We have a vote on now, and I want to thank the two witnesses very much. They are excused, and we thank you for your patience.

Mr. Cunningham I was commenting on your absence. Before we had the new under secretary of the Department of Defense and I asked him about low-level flights. I said the question could have been answered by our colleague if he had been present.

STATEMENT OF HON. RANDY "DUKE" CUNNINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CUNNINGHAM. Thank you, Mr. Chairman. And I want to thank you for the opportunity.

First of all, what I would like to state is that I don't represent any of the desert that is being looked at, but about five to ten times a year—not so much now that I am a Member of Congress—I take my family over to the Glamis area and some of the areas on vacation. We get five of our campers. We circle around. We take the kids and we camp. And right now the threat is to be shut out or locked out of those particular areas that my family uses as a vacation area.

Looking at the different elements that you have been talking about, the wildlife, military training, I have real concern. I have been an off-roader most of my whole life. We have about 4.6 million people that use the Glamis area, just over by El Centro, that is being threatened to be shut out. If you do that and you restrict the area which those off-roaders can use, I think you have to take a look at some serious safety concerns. By putting 4.6 million in a little confined area, you are going to make it very hazardous. Plus you are going to cut off a lot of the recreational opportunities of those folks.

Concerning H.R. 518, and military use of the desert, the bill doesn't address military overflights, whereas Congressman Lewis' and Senator Feinstein's bill include provisions in this area, and I would ask the chairman to make sure—I know in the side-by-side it says it will be addressed in a separate bill, but in the House bill, as I understand, it doesn't exist. Is that true?

Mr. VENTO. Yes, Mr. Cunningham, we are hearing two bills today. H.R. 880 is the withdrawal bill that includes that DOD lan-

guage that they agreed to last year that you were a party to with Congressman Blaz.

Mr. CUNNINGHAM. Yes, sir. Thank you.

Mr. VENTO. The intent is to bring these bills together, to move them together and/or even merge them as the Senate has indicated they want the issues addressed together in terms of withdrawals, the continued withdrawals.

Mr. CUNNINGHAM. I thank the chairman. Because when the President says we are going to have a smaller force and a well-trained force, all of the East Coast and West Coast aviation students, the kids that strap a jet on for the first time use those areas to train, just as I did, and I think that is very important.

I am also concerned on the negative effects on law enforcement, the lands covered by this bill next to the Mexico border. As you are aware, Duncan Hunter and I built a fence there to stop a lot of the drug trafficking coming through the San Diego area. It has one of the highest rate of cocaine smuggling in the State, and we also feel that this would be hampered by this particular bill.

I would like to submit the rest of this for the record and for your review. But basically, this legislation is going to impact millions of recreational users, including myself.

And the economic loss, let alone the recreation loss, would impact all of us. And I thank the chairman for the hearing.

[Prepared statement of Mr. Cunningham follows:]

STATEMENT OF HON. RANDY "DUKE" CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I want to thank you for the opportunity to testify before the Subcommittee on National Parks, Forests, and Public Lands regarding H.R. 518, the California Desert Protection Act of 1993.

I would like to express my concern over this legislation and how if enacted, it would affect Southern California. Historically, the desert in California has afforded us many different uses: wildlife habitat, military training, mining, ranching and farming, and many different kinds of recreational use. It should also be noted that Californians are not alone in using this precious resource; people from all over the world travel to see and use the California Desert.

Today, I would like to focus on the recreation areas that will be affected if H.R. 518 is passed into law. In the San Diego area, many of my constituents look forward to leaving the congested cities, going inland, and enjoying the recreation that the desert offers us. Historically, one of the most widely enjoyed sports is the use of off-highway vehicles. "Off-roaders" enjoy roaming scenic country roads and trails exploring little known places. Each year, 4.6 million California residents take part in off-highway vehicle recreation, and over a half a million rent or borrow them. Over two million people use off-highway parks or areas for non-off-highway recreation, creating a total of 7.2 million residents who use off-highway recreation areas.

The areas that are critical to my constituents are the B.L.M. EL Centro Resource Area in Imperial County, from the Eastern border along the Colorado River to the Western border of Imperial County. These areas alone have provided a total of 2.5 million visitor use-

days and pumped approximately 825.8 million dollars into the California economy of a yearly basis.

I am greatly concerned over the failure of H.R. 518 to address military use of the desert, particularly when both Congressman Lewis' and Senator Feinstein's bills include provisions in this area. It is imperative that we address the military issues of overflights and use of federal lands in the California Desert. The desert areas near El Centro and north toward China Lake are the primary training areas for Naval and Marine Corps aviation. The Army and Air Force also have a massive presence in the California Deserts.

We know that these training areas played a critical role in our success in Operation Desert Shield and Operation Desert Storm. Without the use of the California Desert, our men and women would not have received crucial training that prepared them for desert warfare in the Middle East. If we restrict military access, we are in effect risking the lives of the men and women in this country who are willing to put their lives on the line for us.

Specifically, any bill dealing with the California Desert must take into account the needs of installations such as the Naval Weapons Center at China Lake, Edwards Air Force Base, the Chocolate Mountain Marine Gunnery Range, the National Training Center at Fort Erwin, and the Twentynine Palms Marine Base. All these areas are vital training areas. Again, I reiterate that H.R. 2379 and S. 21 both take into consideration the importance of desert training. Neither of them interfere with military activities and overflight of military aircraft over designated wilderness areas.

I am also concerned over this bill's negative effects on law enforcement. As you know, some of the lands covered by this bill are near the Mexican border. It is imperative that our Border Patrol and state and local law enforcement agencies be able to patrol without being restricted. H.R. 518 would restrict access to land on the Jacumba Wilderness (CDCA 368) on the border, which has historically been a high traffic area for illegal alien smuggling. Vehicular access is essential to controlling these illegal activities.

I must also add that most of the areas being closed off in this legislation are also high drug traffic areas. Again, law enforcement access must be protected.

I am also concerned over the economic impact of H.R. 518. This bill comes at a time when our state is in a deep recession. The Bureau of Land Management estimates that management costs for South Algodones for law enforcement equipment, materials and maintenance in the first year would be close to 1.2 million dollars. Thereafter, annual costs would be 604,800 dollars just for South Algodones. Without additional appropriations these funds will come from the existing BLM budget meaning that many other important programs will have to be cut or severely cut back in order to facilitate the cost of managing the desert. With the unemployment rate in Imperial County already over 22%, this legislation would certainly aggravate a serious economic condition.

Mr. Chairman, I would like to add that I support H.R. 2379, The California Desert and Employment Preservation Act. Many of the provisions in H.R. 2379 were included in last year's bill, as well. I would like to stress that H.R. 2379 has over 15 years of study behind it. It also states that 2.1 million acres of wilderness would

be protected as a result of the studies that included on-the-ground inventories, many public meetings, and completion of environmental impact statements and mineral reports on each of the areas recommended for wilderness. In contrast, I cannot help but stress that H.R. 518 seems to be riddled with special interest provisions that will negatively impact millions of Californians.

Make no mistake, I am aware that we need to preserve and protect our desert in California. We must identify the need for the preservation of wilderness areas, but we must do so in a realistic way, a way in which the desert can be properly maintained and managed in order to assure various uses in the years to come.

Mr. Chairman, I hope that you and the members of this committee take serious consideration of what has been stated by myself and my colleagues who have also testified. It bears repeating that the members who represent the California Desert do not support H.R. 518. I believe it is time to work together on this and enact a balanced, comprehensive bill to protect the California Deserts.

Mr. VENTO. I thank you, and I apologize that you had to condense your statement. But we are trying to accommodate your schedule and make our vote on the floor.

Let me suggest to you that as you know I have specifically, before your service in Congress even, visited this area and been over much of it, too much of it in a sense.

The previous witness, Mr. Hillier, was in with the BLM and he was one of our guides who assisted us in gaining a better understanding of the area. I neglected to mention that, but I knew that he was familiar. So we have been over a lot of it, and trying to reconcile the different interests and values is not easy. Hopefully, whatever comes out of it certainly the intent is to try and amplify the utilization in terms of recreation and some uses. Admittedly, limiting others in terms of off-road vehicle use in some instances, and certainly mining and other types of activities that have been present.

It is not an easy issue to reconcile, but it is one in which I think at least we have good intentions if not agreement. So I thank the gentleman.

We will stand in recess subject to the vote, returning after the vote.

Mr. CUNNINGHAM. I invite the chairman that when you look where the 3-wheelers and the off-road vehicles, the first windstorm over there at Glamis you can't tell if there has ever been a 3-wheeler over there.

Thank you, Mr. Chairman.

[Recess.]

Mr. VENTO. The subcommittee will resume its sitting.

We have a number of distinguished Members that had joined us. Unfortunately, we had a vote exactly at about one. So we did hear from one Member.

In the order of arrival, I guess it must be Mr. McCandless, Mr. Lewis and Mr. Thomas, unless Mr. Duncan has returned. Mr. Duncan is here. Why don't you just take a place at the table?

Without objection, your statements have been made a part of the record. So, my friends and colleagues, you can feel free to summarize and we will include your entire statements in the record.

Mr. McCandless, please proceed.

STATEMENT OF HON. ALFRED McCANDLESS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MCCANDLESS. Thank you, Mr. Chairman. I am going to insert my statement into the record and comment very briefly, hopefully, on a number of issues that I feel strongly about, because I think we have all heard some of the stories once, twice or more times.

I first got involved in the Desert Plan in 1976, as a member of the Riverside County Board of Supervisors. We had just completed the necessary requirements for the California Environmental Quality Act, which meant that the County of Riverside had to plan all of the land use within its boundaries; cities doing the same within the incorporated areas.

At that time the Federal Government did not recognize the land use planning proposal that we had because they said they were not subject to local zoning regulations. It became extremely important, then, when this program came along for the Desert Plan that Riverside County participate, and so another member of the Board was selected—not because I didn't want to serve, but because I was in the process of starting the South Coast Air Quality Management District and I was up to you know what in alligators.

Clayton Record, an enthusiastic 4-wheel driver representing one of the districts, became a very integral part of that group, and on Monday mornings in Riverside prior to the Tuesday meetings of the Board of Supervisors we would sit down and talk about the weekend, where he spent it on the Desert Plan, what took place, what did they see, who did they talk to, what kind of people did they interview, and all of the events during those years that this Advisory Council functioned. So I got a month-by-month, week-by-week update on this.

It was a great idea because, first, we got the input of all of the elements of the land-use family. Second, as we went along we had the flexibility of altering something with the exception of the last element of the plan, which only Congress can do, and that is designate wilderness, and it was about that time that we got involved then in the Desert bills such as we are reviewing here today. Since that time the wilderness areas have been recommended to the Secretary of Interior as the original 1976 bill that created the Desert Advisory Council had mandated.

What appealed to me about the 1976 bill is that it had flexibility. In other words, let's not paint the whole map one color and then feel sorry at some time in the future that we didn't address certain issues. Let's take what is necessary, what we have learned about what is a part of the environment and designate it for a certain land use and then finish with the wilderness. The council then would be maintained as an advisory group to the Secretary of Interior for purposes of continually reviewing the land use of the Desert Plan.

And, if it is seen that additional wilderness, through these meetings that take place occasionally, is needed, we can recommend that to the Secretary, who in turn can recommend it to Congress, and the map can be modified. It is very difficult, once you have des-

ignated something as wilderness, to bring it back to any other designation. It is less difficult to bring it from another designation to wilderness.

And so the 1976 legislation, and what it created appealed to me for these reasons, Mr. Chairman. We had that flexibility, within the framework of an advisory group made up of people who used the desert, under the direction of the Secretary of Interior with the staff management of the Bureau of Land Management. I considered that almost the best of all worlds, and that is why I keep appearing before you asking you to take a look at our bill which has been reintroduced.

Thank you.

Mr. VENTO. Thank you, Mr. McCandless.

[Prepared statement of Mr. McCandless follows:]

STATEMENT OF HON. AL MCCANDLESS

Mr. MCCANDLESS. Mr. Chairman, thank you for the opportunity to speak today on a subject which is of great concern to the State of California and its citizens. As one who was born and raised in the California Desert, I hope to bring a resident's voice and perspective to the debate over its future. Unfortunately, no such voice or perspective exists in H.R. 518.

It is difficult to comprehend the cavalier manner in which this bill is being offered by its proponents. Little or no consideration has been given to the adverse effects this bill will have on the environment and economy of California. In the rush to appease the so-called "environmental community", these tough questions have been ignored. The authors of H.R. 518 either do not know the answers, or do not wish to discuss them. Either way, this is no way to create sound land management policy. I'd like to call your attention to just a few of these unanswered questions.

Where is the foundation of H.R. 518 in credible science and public input? This bill totally ignores the years of exhaustive study of the desert, which was mandated by Congress in the 1976 Federal Lands Policy and Management Act. The California Desert Plan of 1980 was the result of work by a 15-member Desert Advisory Council, created by then-Interior Secretary Cecil Andrus at the request of President Carter. This Plan was based on years of study by the Council, whose members included conservationists, ranchers, miners, off-roaders, Native Americans, scientists, hikers, and others. Dozens of public hearings were held, and tens of thousands of individual public comments were solicited and received on the proposed wilderness areas. The final product was a balanced plan, with which no single user group was entirely happy. That plan is the foundation of a bill which I have sponsored along with my three desert colleagues, which will create 2.3 million new acres of true wilderness in California. Conversely, H.R. 518 has no such background. It is clearly and painfully lacking the true elements of compromise which made the California Desert Plan unique, and which are reflected in our bill, H.R. 2379.

The Wilderness Act of 1964 defines wilderness as follows: a place, quote *"untrammeled by man, where man himself is a visitor who does not remain"*, end quote. H.R. 518 turns this simple concept on its herd by locating wilderness in places which feature

heavily used recreation sites, powers lines and access corridors, ranching and grazing activities, commonly used roads and trails, occupied homesteads, and defunct and active mining sites and patented claims. Inclusion of such areas would make a complete mockery of the current high quality and standards of California's magnificent Wilderness System.

How much is this afterthought of a bill going to cost the taxpayer, to whom we are ultimately accountable? The current estimate of land acquisition costs alone under H.R. 518 tops out at one billion, two hundred and thirty million dollars. Say that one slowly, and think about it. How many present and future jobs and resources will be lost in restricting access to known strategic mineral deposits? What will be the economic impact on towns like Blythe, Glamis, and Victorville, which depend upon desert tourism for survival? Is the Administration seriously going to support a bill which can only hamstring California's economy?

As Secretary Babbitt has noted on previous occasions in this room, the National Park Service is in major administrative and financial disarray at this time. How can our deserts be managed properly by an agency which, while well-intentioned, is struggling with its existing mission and responsibilities? National Park Service officials have indicated that it will not be able to effectively manage the National Park which H.R. 518 would create in the East Mojave. Is no one taking these warning signs seriously? If not, then H.R. 518 ought not to be taken seriously.

Mr. Chairman, this bill does not reflect the best interests of the California Desert, or the people who live and work in it. I am an original desert rat, having been raised on a homestead in the Anza-Borrego Valley. I have lived in the desert for most of my adult life, and understand its unique qualities and needs better than most. H.R. 518 was conceived and written in cites far from the desert, by armchair environmentalists for political reasons, not by professional land managers or biologists in pursuit of legitimate conservation goals. Mr. Chairman, it is essential to keep in mind that the issue here is not whether new wilderness areas should be established and preserved in the California Desert; let there be no confusion on that point. The issue is how to best achieve that end, and I am here to tell you today that H.R. 518 is woefully inadequate in that regard. There is no scientific rhyme or reason to H.R. 518, Mr. Chairman, but rather a deluded notion that bigger is somehow better. There is far too much at stake, for both California and the nation, to place the fate of our desert with H.R. 518 and hope for the best. I would ask the Members of this Committee to demand hard answers to these and other questions raised here today, and to carefully examine the consequences and alternatives. The people and deserts of California deserve no less.

Mr. VENTO. Mr. Lewis?

Mr. LEWIS. Mr. Chairman, was Mr. Hunter here before?

Mr. VENTO. Mr. Hunter? Fine. If he had appeared early, fine.

Mr. LEWIS. Thank you.

Mr. VENTO. Mr. Hunter?

Mr. HUNTER. Well, thank you, Jerry.

Mr. VENTO. Mr. Lewis has been with us throughout the day, so I didn't know which appearance he was referring to.

Mr. HUNTER. If Mr. Lewis wants to go first, I am going to defer to him, because he is our leader here.

Mr. VENTO. But he is deferring to you, Mr. Hunter. Please proceed.

Mr. HUNTER. Well, thank you. Thank you, Jerry.

STATEMENT OF HON. DUNCAN HUNTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUNTER. Mr. Chairman, let me speak very briefly about three things: people, wildlife and narcotics interdiction with respect to the Desert.

First, I just want to say to you that the question was asked, I understand, of the DOD witness, Is everything fine with respect to overflights and withdrawal of training ranges? And, as I understand from staff, the answer generally was yes, everything is up to speed and taken care of. But it isn't really.

And there is one thing we do need to apprise the committee of and that is this. The East Mesa and West Mesa Gunnery Ranges are scheduled to close under this bill in 1994. So, if you just read the bill, it appears that they are going to be closed fairly shortly. This is done with the expectation that the Navy is working out an arrangement with these other bureaus right now, with BuREC and with others, and they are going to put together a plan that will be put into place sometime before this expiration.

I just wanted to give to you the proposed solution, and I don't see any reason why we couldn't put this solution in place—if you are going to have a vehicle here, to put it in place now rather than wait and bet on the come, so to speak, and hope that down the line we have an agreement.

[The information follows:]

Mission

Two Ranges R-2510 105,600 acres
R-2512 2,300 acres

Early 1980s Study inadequate to safely operate ranges.

1984 - Proposed withdrawal of 315,164 acres.

Outcry from Off-Road Vehicle Community

Cooperative Agreement between BUREC, BLM, and Navy dated August 15, 1986.

1. Navy withdraw 47,500 acres for target areas. Range Safety Zone "A"
2. Navy Right-of-Way over 97,000 acres RSZ "B">
3. Restrictions on incompatible land uses 149,000 acres RSZ "C".

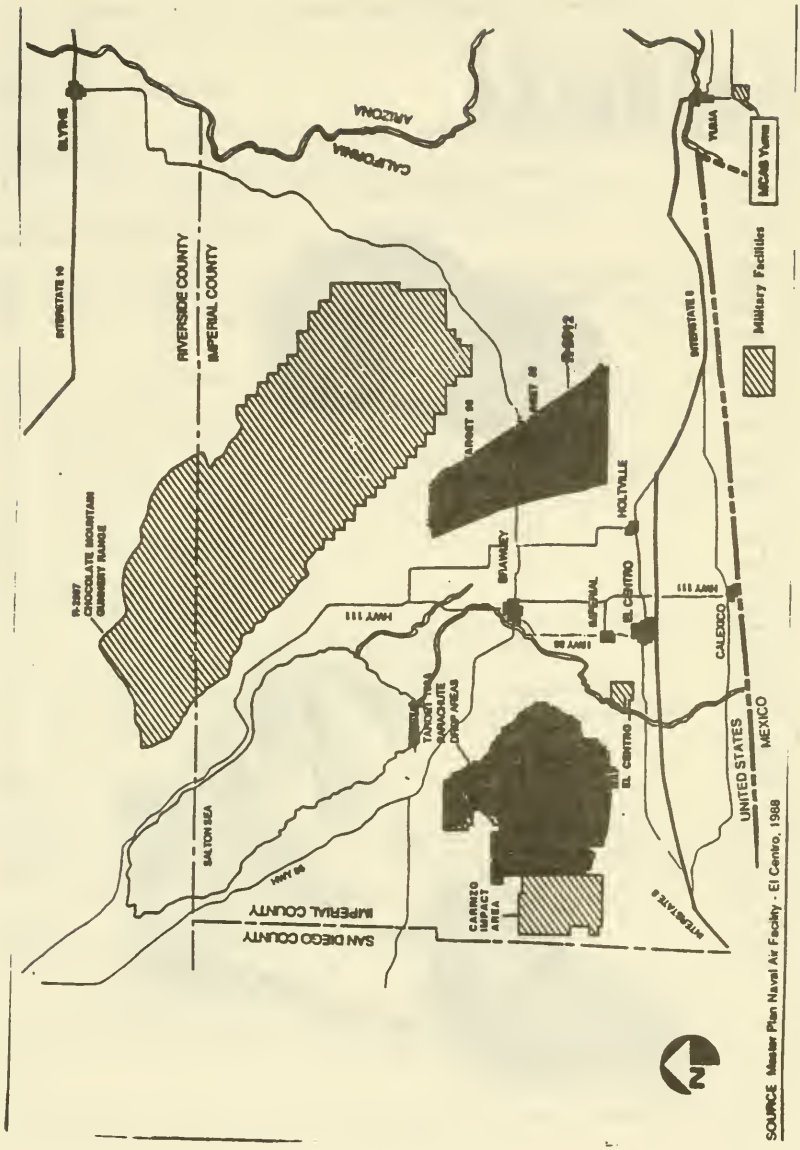
Amended withdrawal application August 1988.
Federal Register September 27,1988
Right of Way application November 1988.

Withdrawal delayed by Historical and Cultural Resources Agreement and Studies.

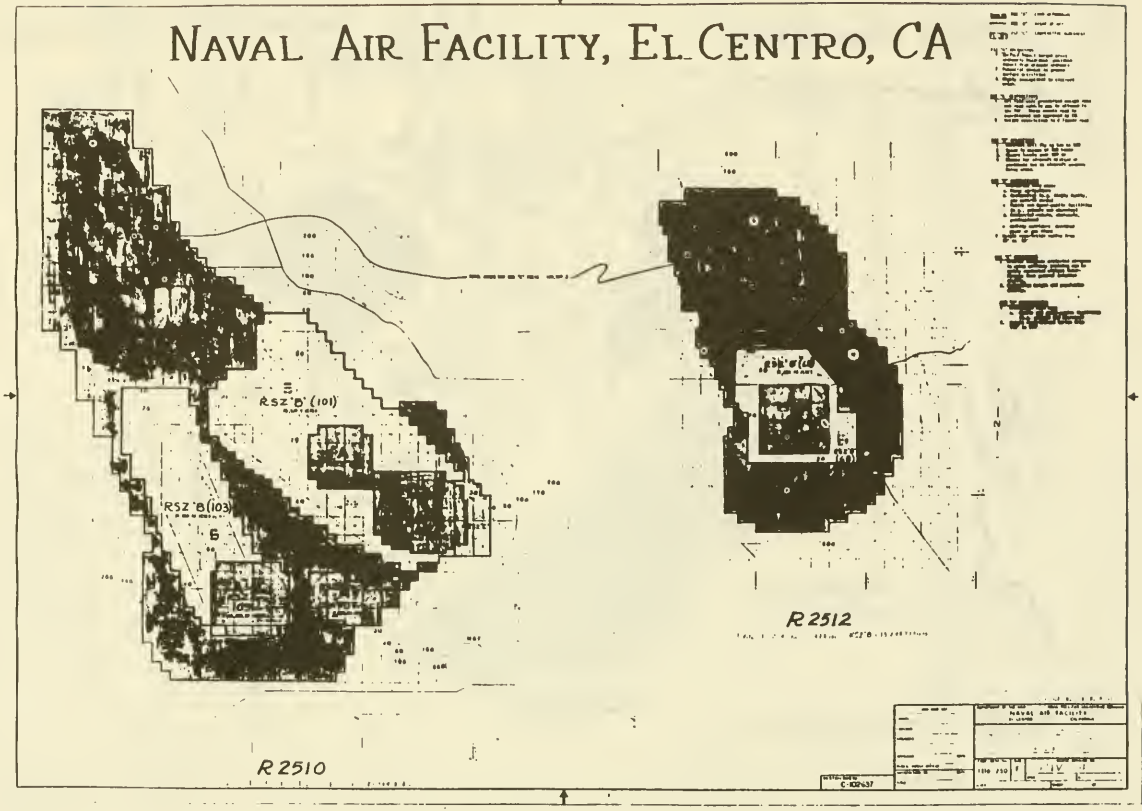
February 17, 1993 California State Historic Preservation Officer concurs.

Next step is for BLM to notify Interior to submit legislative proposal.

a) M
1) BORDER PATROL
2) AIRSTRIPS



SOURCE Master Plan Naval Air Facility - El Centro, 1988


NAVAL AIR FACILITY, EL CENTRO, CA
RSZ 'D' (101)
RSZ 'B' (103)
R 2512
R 2510

RANGE SAFETY ZONES

RSZ "A" OPERATIONS

1. Surface impact target areas, extremely hazardous, possible impact from dropped ordnance.
2. Potential threat to ground surface activities.
3. Highly susceptible to aircraft crash.

RSZ "A" RESTRICTIONS

1. All land uses prohibited except off-road vehicle use is allowed in the PDT when coordinated and approved by CO.
2. Height restriction is 0 (zero) feet.

RSZ "B" OPERATIONS

1. Aircraft will fly as low as 500'.
2. Speed in excess of 500 knots.
3. Hazardous sound levels over 100db.
4. Chance for aircraft mishaps or accidents due to aircraft weapons being armed.

RSZ "B" RESTRICTIONS

1. Prohibited lands uses:
   a. Heavy agriculture
   b. Residential (e.g. single family, one unit/40 acres)
   c. Public and Quasi-public facilities
      (e.g., schools and churches)
   d. Commercial-retail, wholesale, professional.
   e. Utility corridors, overhead power or gas lines
2. Height restriction varies from 20' to 50'.

[redacted]"C" OPERATIONS

1. Provide adequate protected airspace in which military training can be safely conducted without interference from general aviation traffic.
2. Controlled height and population density.

[redacted] RESTRICTIONS

1. Prohibited land use:
   a. Public and quasi-public facilities
      (e.g. schools and churches)
2. Height restrictions varies from 100' to 200'.

Mr. VENTO. If the gentleman would yield to me?

Mr. HUNTER. Sure.

Mr. VENTO. We will look that over. We are moving along those lines, and if there is agreement we will——

Mr. HUNTER. Okay. Fine.

Mr. VENTO. The bill that deals with these topics, as you know, is H.R. 880 that I have introduced, which I had worked on with former Congressman Blaz and Congresswoman Byron.

Mr. HUNTER. Okay. I just wanted to make it clear that it is not a fait accompli that they have put this thing together yet. We hope that they do.

Let me say very briefly, Mr. Chairman—I know you have got a lot of folks before you—but in three areas, people, wildlife and narcotics interdiction, I think the committee has a real responsibility to look very carefully at these proposed areas for closure.

And let me go to the South Algodones Dunes, which is right at the Mexican border. I don't know if you have got a map in front of you, if you know where this particular plot is, but if you visualize where the Colorado River hits Mexico, the border of California, this big plot of land, about 150,000 acres, is a big set of sand dunes. It has been used by an enormous number of blue collar workers in California; 2.8 million visitor-use days last year. That is literally hundreds of thousands of blue collar folks who get away from the boss driving out on Highway 8 or coming down through the San Gorgonio Pass with their families, with a motor home, with a camper and an off-road vehicle. The point is they need some elbow room, something that is becoming very, very difficult to achieve in California.

Let me tell you, I was out there the other day with a group of the off-roaders—Herman Schneider is here, and Bill Baker. They came all the way back to watch this hearing. And I talked to grandmothers who have been out there for the last 40 years at their designated camp spot, who brought back first their children and now are there with their grandchildren. You have these 4-wheel drives and dunebuggies that accommodate kids. It is a family get-together. It is a family gathering. You have whole clans of people that show up and see each other for the first time in a year or so, and they do that at the dunes. And it is a wonderful recreational place for our people in California who can't afford to go to New Zealand to go fly-fishing when they get some time, as some Californians can.

And to close that South Algodones Dunes off in an arbitrary manner without finding any species of animal that is absolutely endangered out there, without finding any foliage that absolutely needs to be protected because the Algodones Dunes is big sand dunes. It is like a big sandbox. That is why the off-road people love it. Because you can climb up those dunes and go down it, and the next day the sand blows away your tire tracks and you can go up again.

To do that I think really accrues to the detriment of the people of California. That is a people place and it affords enormous recreation to blue collar families who love that place and don't want to be pushed in tighter and tighter confining areas.

And I might add one reason you have accidents when you are off-roading is because of the fact that you have people scrunched together. You need to have spacing between people when they are off-roading and they are going over these dunes. If you put them all together in one very small place you have more chance for collisions.

The second thing I wanted to bring to your attention, Mr. Chairman, is the wildlife aspect of this. We have built in these desert areas that are in my congressional district some 300 wildlife guzzlers; that is, water sources we have built. And we were only able to build them and maintain them because we have vehicular access. You have got to get cars in to build these. And we have built the population of wildlife in these numerous areas by having a water supply, which is everything in the desert. If we cut this off, you have no way to maintain these guzzlers.

I want to give you a report by our local fish and wildlife people that say that the drinking waters will become death traps for the animals or they will dry out and the animals will either die or move away. So you have 300 water sources that are developed. They are man-made and they are man-maintained, and you can't do it without a vehicle.

Lastly, let me just tell you I have a letter here from the Border Patrol for you that says that this is a major narcotics and cocaine thoroughfare that a number of these proposed wilderness areas happen to enclose, and we caught in excess of $50 billion worth of cocaine coming across the border last year. We have massive amounts of narcotics coming through. You may have read about the narcotunnel that has been built in the San Diego region. These areas that are proposed to be closed up to vehicular access are places where the Border Patrol does enormous pursuit and interdiction of drug smugglers, and I have a letter here from the United States Border Patrol saying that they make massive interdictions of narcotics right in the middle of these proposed wilderness areas.

[The document follows:]

IMPERIAL COUNTY FISH & GAME COMMISSION

STEPHEN REBIK, Chm.
VIC BENTON, Vice Chm.
LARRY CAFFEY
DAVID CROCKETT
MARK HEUBER
CAROLYN HINDLY
SAMUAL KAKER
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June 15, 1993

Duncan Hunter, Congressman
45th District California
133 Cannon Building
Washington D.C. 20515

re: HR-518 & S-21 Impacts on Wildlife Management in Imperial County

Dear Congressman Hunter,

The Imperial County Fish & Game Commission appreciates your assistance & support in addressing concerns raised by the proposed legislation. This legislation would severely impact years of managements & restoration of various wildlife populations in remote waterless desert areas of Imperial County, Eastern San Diego County & Southern Riverside County. Since the concrete lining of the Coachella Canal in 1980, the Fish & Game Commission has sponsored 79 big game guzzlers to prevent further mortality loss due to drowning in the steep sided concrete canals being installed as a mandated water conservation program. As you know, we lost over 225 desert mule deer the first 2 years of that project, with over 85% of those losses being pregnant does one month from giving birth. On going concrete canal lining projects impact further range habitat for populations of desert bighorn sheep, protected wild burros, and other native wildlife species which for over a half century have become dependent on utilizing earth lined canals as their primary water source. To prevent further mortality losses, the Imperial County Fish & Game Commission, plus volunteer groups such as Desert Wildlife Unlimited, the Bighorn Sheep Society, Quail Unlimited, etc., have literally spent hundreds of thousands of dollars, tens of thousands of volunteer man hours and driven over a quarter of a million off-highway miles in private vehicles, restoring, maintaining, & installing dependable water sources. In conjunction with developing new projects an additional 66 small quail guzzlers which were installed by the California Dept. of Fish & Game in the late 1950's & early 1960's have been relocated, with some restored. Additional to that, over 120 historic wells & springs which were utilized as Indian water sources or developed in the late 1860's for mining operations have also been relocated inventoried, some restored with windmills, solar operated pumps & other water collection & storage devices to benefit the wildlife. Current studies show we have accomplished approximately 1/3 of our total needed water development to date.

Ironically, many of these maintained water sources are in the boundaries of the various wilderness areas proposed in HR 518 & S 21, furthermore, in the opening declarations of each bill, statements are made concerning the unique wildlife values present in the area, & the need to preserve native wildlife & diverse ecosystems as a main goal of this legislation. It remains ironic that the very agencies & volunteer groups that have stepped forward to meet these management challenges over the past few decades, are being shut out of the very areas needing the most

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

conservation & protection efforts. Of the 79 water sources installed since 1980, approximately 45 apparently will be within the final boundary adjustments of the 10 local wilderness areas. For example, in the North Algodones Dunes, 7 windmill water sources were installed in 1980 with Federal Mitigation money after the first 50 miles of concrete lining was completed on the Coachella Canal. Subsequently, 4 windmills were required to be removed in order to make the North Algodones Dunes suitable for Wilderness consideration, & the current means of horse packing or hand carrying in generators, pumps, gas, fuel, wenches, tools, etc. has proven impractical as a "minimum required tool". Further boundary alignment proposed in this legislation will impact an additional 3 such windmill water sources in the North Algodones Dunes. Additionally, the Julian Wash Road, in the Indian Pass Wilderness, is the only vehicle access to maintain 9 currently known natural rock tanks which through erosion become death trap water holes.

As early as the 1960's the Fish & Game Commission & the California Dept. of Fish & Game have jointly maintained steps or ramp access on approximately 5 year intervals to prevent bighorn sheep mortality such as 34 being found drowned in 1969 in one tank alone. Last summer, 4 drowned sheep were removed from these various tanks, & again, wildlife agencies & volunteers worked many hours to clean out the tanks & install safe entry steps. Much has been learned in recent years concerning deer & sheep populations using radio telemetry on selected herds which has prompted the successful wildlife population's reestablishment to their native ranges. This has only been successful through the development of the major limiting resource which has been reliable water sources. These studies have also shown 26 species of reptiles & amphibians, 100 species of birds, & 19 species of mammals have become dependent on the utilization of these water sources & surrounding habitat. Those proposed wilderness areas when managed under the 1964 Wilderness Act & the 1976 Federal Land Policy Management Act will have imposed regulations which do not allow the use of mechanical equipment for maintenance or motorized vehicle for access as a "minimum tool" necessary to bring manpower & equipment into these remote areas for maintenance & restoration projects. The very wildlife we have worked so hard to restore to their native ranges will once again be left "on their own" in remote waterless remaining fragments of their once vast native habitat.

Once again, Congressman Hunter, we appreciate your understanding of this matter & willingness to carry our concerns before the Congressional Sub-Committee on National Parks, Forests, & Public Lands & seek their assistance in providing sound legislation to allow a means of sensible maintenance & management of our valuable wildlife resources.

Respectfully yours,

RANDY RISTEN, Secretary
IMPERIAL COUNTY FISH & GAME COMMISSION

Mr. HUNTER. It is not enough to give them a little strip of land along the border, because if you give them a little-bitty strip of land along the border these people penetrate into the bulk of these wilderness areas and it is basically going to become a safe haven for them.

So for those three reasons—people, wildlife and narcotics interdiction—we would ask this committee to take a very careful look at this plan. And please take a look at the alternate plan that Mr. Lewis has headed up and the rest of us support.

And I might say to finish off even the plan that we have devised has, I think, too many areas, in light of this Border Patrol analysis, on the border that can be penetrated by narcotics smugglers, and my recommendation would be that you eliminate anything that is close to the border.

Mr. VENTO. So your point is that both the bill that you have sponsored and the bill that we are talking about has this area in the Yuma Desert. It is the only area that touches on the border, so it is Jacumba.

Mr. LEWIS. Jacumba.

Mr. HUNTER. Yes, the Jacumba area.

Mr. VENTO. But that is in both bills apparently.

Mr. HUNTER. Yes. And I am just quoting the border patrolman's letter to you. It says, "We in the Jacumba and Fish Creek areas almost daily with 4-by-4 vehicles or aircraft are detecting the illegal entry of aliens and drug smugglers."

Mr. VENTO. Well, that is two ways to look at it. But I just wanted to add that point of clarification at this point. I don't know if you have to leave, Mr. McCandless, or Mr. Hunter. But if not, let me invite your colleagues to conclude their testimony and then we will ask you questions.

Mr. HUNTER. Okay. Thank you.

[Prepared statement of Mr. Hunter and attachments follow:]

STATEMENT OF REPRESENTATIVE DUNCAN HUNTER

REPUBLICAN OF CALIFORNIA

Testimony before the House Subcommittee on National Parks, Forests and Public Lands

June 15, 1993

Mr. Chairman, I appreciate this opportunity to address the committee.

In our continual pursuit to determine what is fair and just for the American people, Members of Congress often lose sight of the views of the common man. Whether we address the federal deficit or reconfigure public access to health care, our purpose here is to represent the average American family who elected us as their voice on Capitol Hill.

The measures we have before us today, Mr. Chairman, ignore this fundamental principle and threaten to lock-out Californians to over a tenth of their great state. As you listen to the testimony of my colleagues, keep in mind the views of those members who actually *represent* the desert areas in question---these are the members who have to live with the consequences of your actions.

As you may be aware, H.R. 518 and S.21 would designate over 335,000 acres of my district as protected wilderness. Unfortunately, this designation ignores the Bureau of Land Management's determination of suitable wilderness areas as mandated by the Federal Land Policy and Management Act of 1976 (FLPMA). The public planning process established under FLPMA was designed to formulate a management plan that protects desert habitats without destroying local economies. This 15-year study compiled over 40,000 public comments and came up with 2.3 million acres of recommended wilderness. I strongly believe this to be a fair and equitable compromise, the details of which are included in legislation I introduced along with Reps. Lewis, McCandless and Thomas, H.R. 2379.

A quick glance at the maps of either H.R. 518 or S. 21, however, will reveal a very different picture. Huge areas not recommended by the BLM would be locked away from any public access, except on foot. Approximately 4 million acres would be encompassed by these bills, almost double the recommended area offered by the BLM. Neither bill addresses the concerns of wildlife in my district and neither bill assesses the damage it would do to my constituency.

A little known fact that is ignored each year by the supporters of these lock out

bills is that certain populations of wildlife depend on our continued access to these lands by vehicle. Due to scarce water resources, it is necessary to maintain water collection reservoirs or "guzzlers" in the desert for animals to survive. Over 300 guzzlers exist in the East Mohave and are maintained by hunters, private citizens and non-profit groups. H.R. 518 and S. 21 would prohibit access to wilderness lands by vehicle and to hunters, thereby destroying our ability to routinely maintain these guzzlers. Herds of bighorn sheep and deer, who thrive in my district, would slowly die off and become increasingly susceptible to disease. Mr. Chairman, I hardly think this is an example of responsible habitat conservation.

Moreover, vehicular access is vital for the control of pests like the Whitefly and the Africanized Honey Bee and diseases like rabies and encephalitis. Abnormally high rainfall last winter gave rise to one of the largest mosquito populations the Imperial Valley has seen in years, and increased the risk of encephalitis. Without the ability to control these problems from the ground and from the air, my constituents would face an elevated health risk.

Restricted access to these lands would also affect law enforcement activities along the California-Mexico border. All border areas in my district targeted by H.R. 518 and S. 21 are considered "High Intensity Drug Trafficking Areas" by the Department of Justice. Joint operations between the Border Patrol, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms and local law enforcement would be severely damaged without unrestricted access to these areas (Tab I). So far this year, over $514 million in illegal drugs have been seized by the Border Patrol and over **$7.7 billion** (street value) was seized over the last year by the Joint Narcotics Task Force in the high intensity areas of the Imperial Valley, primarily through sophisticated ground and aerial surveillance. There are also additional concerns that the provisions of H.R. 518 and S. 21 would give a green light to establishing portable methamphetamine labs in wilderness areas.

Rescue missions would also be jeopardized by the new designations. Imperial County Sheriff Oren Fox reports that an average of forty people need to be rescued from the desert each year. Many of these are illegal immigrants who often lack adequate supplies to face searing temperatures of over 120°F. Although they are immediately deported back to Mexico, some of these immigrants owe their lives to the rescue teams.

A number of critical projects in my district would also be impacted by the California Desert Protection Act as well as by H.R. 880, the California Military Lands Withdrawal and Overflights Act of 1993. A proposed hydroelectric pumped storage project in

the Fish Creek Wilderness could supply cheaper power to Imperial Valley residents if 1,390 acres of the proposed 26,300 acres are excluded for construction (Tab II). Provisions in the Wilderness Act allow for the development of waterpower projects and I implore the committee to consider the benefits of this initiative. Regarding H.R. 880, the bill reflects a change in withdrawn acreage comprising the Chocolate Mountain Aerial Gunnery Range. During the last Congress, the version of the California Desert Protection Act passed by the House specified that this area would encompass the north halves of 5 and 6, adjacent to the Mesquite Mine. I ask that the committee include clarifying report language (Tab III) recognizing this fact. Further, I believe provisions terminating the use of East Mesa and West Mesa Ranges as of January 1, 1994 would adversely impact the training activities of the military in the Imperial Valley. I therefore request that this language be amended to extend the withdrawal for 15 years, in concurrence with the China Lake and Chocolate Mountain Ranges.

The damage caused by H.R. 518 and S. 21 would be most severe in our state on an economic level. The Imperial Sand Dunes Recreation Area in my district is one of the most popular off-road vehicle attractions in the nation. Families come from all over the tri-state area to spend their vacations in the dunes. The Bureau of Land Management reported that this area received over 2.8 million visitor use days last year generating an estimated $1.9 billion in taxable sales for the entire Imperial County. In spite of this sizable industry, the Imperial County unemployment rate is at a staggering 22.5%. Between July and October of 1992, Imperial County had the highest unemployment rate in the nation at 33.6%. If H.R. 518 or S. 21 are passed in their present form, Mr. Chairman, I can guarantee they will add to the economic hardship in my district.

I have in front of me over 30,000 signatures of off-roaders from all over California who oppose these lock-out bills. Designating South Algodones as wilderness would lock-out off-roaders from over one-third of the major OHV recreation area, over-crowd the remaining dunes and push traditional Imperial Dune users out of the county to find less crowded areas. A typical family of four will spend between $500 and $700 for a two-day weekend in the Imperial Sand Dunes (including food, gas, and vehicle maintenance costs). By making six of these trips per year with an average aggregate stay of 40 days per year, it is easy to see the importance of providing adequate areas for off-road use. Without a reasonable desert management plan, the businesses that service off-roaders and boaters would be forced to shut down all operations.

Those in favor of the California Desert Protection Act would like you to believe that areas like South Algodones are pristine wildlife sanctuaries facing irreparable harm

at the hands of off-roaders. The fact remains, however, that OHV recreation has evolved into a family-oriented event with organizations that *promote* environmental awareness. It is in their best interest to respect the areas they use and encourage responsible management plans.

The BLM estimates the cost for law enforcement, equipment, materials and maintenance of a South Algodones Wilderness at close to $1.2 million in the first year and $604,800 each year thereafter. This is despite the fact that continual OHV use does little to these dunes that a good strong wind cannot repair. An important question to ask, Mr. Chairman, is who are we protecting these areas for? Do we really need to spend over $1 billion of the taxpayer's money to acquire land they cannot use? The desert is a haven for hard-working families in California who cannot afford to vacation in Cancun or in the Bahamas. Without it, they lose an important resource.

The Bureau of Land Management designated 2.3 million acres of desert as suitable for wilderness. Our bill, H.R. 2379 embodies this rational approach allowing key lands, like the South Algodones dunes, to remain open for public enjoyment. H.R. 518 and S. 21 contain serious flaws that will cause irreparable damage to my district if they are passed in their present form.

Mr. Chairman, I ask the committee to consider the changes proposed by the elected representatives of the California Desert. These recommendations are in the best interests of the environment, indigenous wildlife, law enforcement, the military, small business and most importantly, the families who respect and cherish their access to these magnificent lands.

TAB 1

U. S. BORDER PATROL
Immigration & Naturalization Service
1111 North Imperial Avenue
El Centro, California 92243

Office of the Chief Patrol Agent

June 15, 1993

ELC 92/3-C

The Honorable Bruce Vento
Chairman, Subcommittee on
National Parks, Forests and
Public Lands
Washington, D.C. 20515

Dear Congressman Vento:

I would like to take this opportunity to provide you with information which sets forth the El Centro Sector's concerns regarding Senate Bill S.21, especially in the areas of general law enforcement, drug interdiction, and search and rescue.

In the way of a little background, the El Centro Sector of the United States Border Patrol has responsibility for approximately 72 miles of international border between the United States and Mexico, the southern boundary of Imperial County. We have stations in Calexico, El Centro, Indio and Riverside, California and our area of responsibility extends into most of Riverside and some of San Bernardino Counties as well.

In Fiscal Year 1991, we arrested 30,450 deportable aliens and seized a little over 11 million dollars in narcotics (wholesale value). In Fiscal Year 1992, we arrested 29,852 deportable aliens and seized 164.4 million dollars in narcotics. As of May 1993, we have arrested 15,932 deportable aliens and seized an all time record of 519.6 million dollars in narcotics. Again, I stress this is a wholesale value. I can't begin to imagine how many youngsters on the street this amount of drugs would supply. You may have noticed the decrease in arrests between Fiscal Year 1991 and Fiscal Year 1992, this was not because there was a lesser number of people entering the country illegally, but because we had fewer officers with which to do our job, which brings us to the potentially disastrous situation with S. 21.

We are concerned about all the proposed areas in Imperial County, however, we are especially concerned about the proposed Jacumba

Wilderness area and the Fish Creek area. As you know, a wilderness designation means no motorized vehicles, only foot traffic or horseback. This would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. This, along with a short response time mandated by the close proximity of Highway 98 and Interstate 8 to the proposed Jacumba Wilderness area; which is utilized by smugglers to pick up their loads both aliens and narcotics, demands that our officers be allowed to utilize motorized vehicles for operations in these areas. Within the proposed Jacumba Wilderness area is an area know as Davies Valley. There is a road through this area which runs from the Mexicali/Tijuana Highway in Mexico, all the way to Highway 98 near Ocotillo, California. This Highway has been a major thoroughfare for smugglers for years and speaking from experience I can safely state that closing this area will not stop a smuggler from utilizing what would be left of the road to make good his entry into the United States. They will simply ignore the fact that motorized vehicles are not allowed. There are also five (5) other well documented smuggling corridors through the proposed Jacumba area. On one of these corridors, an existing road on the east edge of the Jacumba area, we seized 1277 pounds of cocaine valued at $41,000,000.00 during January of this year. A few months prior to that, we seized 427 pounds of marijuana worth $600,000.00. This seizure was made near Interstate 8, right square in the middle of the proposed Jacumba area. Thus far, in 1993, we have accounted for 197 entries made by people on foot and 19 vehicle entries in our west desert which includes the proposed Jacumba and Fish Creek areas. In 1992, there were 776 human entries and 18 vehicles entering through this same area.

We are in the Jacumba and Fish Creek areas almost daily with either 4 x 4 vehicles or aircraft. The purpose being to detect the illegal entry of aliens and drug smugglers. We do this by looking for tracks of both people and vehicles and by utilizing electronic detection devices which have to be checked and serviced on a regular basis. You can see that if we could not utilize low flying aircraft or had to walk into these areas or even utilize horses, the cost in manpower and response time would be increased to the point that we would probably just have to ignore the activity in these areas and hope that we could make the apprehension after the smuggler reached the highway. This, in turn, puts our operations in a different legal arena, subjecting our arrests to different court decisions and in general making a successful prosecution more difficult. In simple terms the creation of the Jacumba Wilderness area will only create a no-mans land between the Mexican border and Interstate 8 and Highway 98 where an illegal alien or smuggler will be free to roam at will or hide on United States soil until conditions are right for them to safely make their way further into the United States.

There is also a safety factor involved for our officers as well as numerous rescue operations of people caught in this desolate terrain

without proper food and water, as is often the case. We did not keep statistics on the number of deaths occurring in the desert prior to 1985. At that time with the cooperation of the Mexican officials we attempted to educate the potential entrant(s) as to the dangers of attempting to cross into the United States through the deserts. We also altered our operations to ensure timely responses to any indicated traffic through the desert. The proposed Jacumba and Fish Creek wilderness areas have proven to be the most popular for use by aliens entering and attempting to walk around our Highway 86 traffic check operation. Since 1985 there have been 31 deaths in these desert areas. Our officers have rescued 81 people that would have died had our officers not rescued them when they did. These people were already dehydrated and in bad shape. During this same time frame, we made about 900 other apprehensions, all of which had the same potential for disaster. I might add that a number of these rescues were made by our pilots who located the people and were able to land and administer first aid until a mobil unit arrived.

We understand that someone has proposed to change the language of the bill to give us access to a 60 or 100 foot strip along the border. I, think, you can see from earlier discussions in this letter how in reality this would be of only very limited benefit. For a sucessful interdiction program we must have total and unlimited access to these areas. We have gone on record stating that we will assist any law enforcement agency in enforcing whatever restrictions are finally arrived at for these areas. We feel that our presence will enhance and help to ensure the safety of the public that will be utilizing these areas. We must have motorized access to these areas to perform our duties and ensure the integrity of our borders.

I hope this information will be of help to you. If we can provide anything more we will be pleased to do so.

Sincerely,

Manuel Cazares, Jr.
Deputy Chief Patrol Agent

TAB II

Magma Power Company

June 14, 1993

Honorable Duncan Hunter
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Hunter:

Magma is participating with the Imperial Irrigation District in the development of a Pumped Storage facility which is in jeopardy if the boundaries of the California Desert Protection Act , HR 518 is adopted as presently indicated in HR 518. I am writing to ask for your support in excluding a portion of the Fish Creek Mountains Wilderness Study Area from H.R. 518, for possible future construction of a hydroelectric pumped storage project. This project would enable renewable geothermal energy to be utilized for meeting the peak power requirements of the utility thereby enhancing the value of the nonpolluting geothermal power.

The area in question was once part of a military bombing range and would, most likely, have to be closed to the public. We have already sent you copies of letters from both the Department of the Navy and the Bureau of Land Management stating that the area, known as Section 7, has never been decontaminated.

The parcel, located on the eastern periphery of the mountain range, is the only identified location in Imperial County having the topographical features necessary for a renewable energy project of this type.

I greatly appreciate any assistance you might give this matter when H.R. 518 comes before the Subcommittee on National Parks, Forests, and Public Lands on June 15.

Sincerely,

MAGMA POWER COMPANY

Ralph W. Boeker

Ralph W. Boeker
President

RWB/tac
267.DOC

cc: Subcommittee on National Parks, Forests and Public Lands

4365 Executive Drive • Suite 900 • San Diego, California 92121 • (619) 622-7800

IMPERIAL IRRIGATION DISTRICT

OPERATING HEADQUARTERS • P O BOX 937 • IMPERIAL CALIFORNIA 92251

GM-PI June 11, 1993

Honorable Duncan Hunter
133 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Hunter:

I am writing to ask for your support in excluding a portion of the Fish Creek Mountains Wilderness Study Area from the California Desert Protection Act, H.R. 518, for possible future construction of a hydroelectric pumped storage project.

The area in question was once part of a military bombing range and would, most likely, have to be closed to the public. We have already sent you copies of letters from both the Department of the Navy and the Bureau of Land Management stating that the area, known as Section 7, has never been decontaminated.

The project could be used by the Imperial Irrigation District to improve the efficiency of our electric system in order to reduce production costs and emissions. Both would result in benefits to our ratepayers and regional air quality. In fact, the South Coast Air Quality Management District and the California Energy Commission have stated that these types of renewable energy projects should not be included in the California Wilderness bills currently before the Congress.

The parcel, located on the eastern periphery of the mountain range, is the only identified location in Imperial County having the topographical features necessary for a renewable energy project of this type.

After consideration of the alternatives, I hope you will agree that reserving this small parcel for a renewable energy development is on balance the most environmentally responsible action to take, given the positive effect this project would have on regional air quality, and is in the best interests of the people of Imperial County and our entire southwest desert area.

I greatly appreciate any assistance you might give this matter when H.R. 518 comes before the Subcommittee on National Parks, Forests, and Public Lands on June 15.

Sincerely,

Charles L. Shreves

CHARLES L. SHREVES
General Manager

CLS:eey

TAB III

- Report Language for H.R. 880, "The California Military Lands Withdrawal and Overflights Act of 1993:"

"The approximately 226,711 acres to be withdrawn referenced in Section 2(b)(2) of this bill makes a minor boundary adjustment to the lands previously withdrawn for the Chocolate Mountain Aerial Gunnery Range by excluding approximately 640 acres (T.13S., R. 19E., Sec. 5N 1/2 and Sec. 6N 1/2) located at the extreme southern edge of the gunnery range. The availability of this approximately 640-acre tract for multiple use under the public land laws is important to the economy of Imperial County, California and its deletion from the lands proposed to be withdrawn will not interfere with the purposes of the withdrawal."

Mr. VENTO. Mr. Thomas?

STATEMENT OF HON. WILLIAM M. THOMAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. THOMAS. Thank you very much, Mr. Chairman. I would also ask unanimous consent that a letter written by me to the junior Senator from California, Diane Feinstein, on January 3, and her response on January 5, be included in the record, without objection.

Mr. VENTO. If you pass it up, I will look at it.

[The document follows:]

WILLIAM M. THOMAS
20TH DISTRICT, CALIFORNIA

COMMITTEES
WAYS AND MEANS
HOUSE ADMINISTRATION
BUDGET

2402 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON DC 20515-0520
(202) 225-2915

Congress of the United States
House of Representatives
Washington, DC 20515-0520
January 3, 1993

ADMINISTRATIVE ASSISTANT
CATHERINE M. ABERNATHY

DISTRICT OFFICES:
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BAKERSFIELD, CA 93309
(805) 327-3611

858 W JACKMAN STREET, #116
LANCASTER, CA 93534
(805) 948-2834

1380 PRICE STREET, #203
PISMO BEACH, CA 93449
(805) 773-2633

The Honorable Dianne Feinstein
367 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Feinstein:

It is my understanding that you plan to introduce legislation regarding the California desert soon after Congress convenes in January. As you know, efforts to enact similar legislation have failed in previous Congresses due to the controversial nature of this issue.

Since certain areas of my Congressional district would likely be included within the boundaries of a California desert protection bill, I would appreciate your keeping me apprised of your efforts in this area. Many of my constituents live, work and/or recreate in the desert and would be directly impacted by the passage of such a bill.

Specifically, I am concerned that your legislation would take into consideration the following issues:

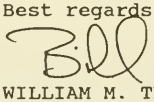
- the continued availability of grazing in those areas where it is deemed appropriate by the administering federal agency;
- continued, unimpeded access to certain areas, to be identified by the Department of Defense, for military testing, training and evaluation purposes;
- continued access to valuable mineral deposits in areas under consideration; and
- continued access, where appropriate, for recreational use, including equestrian uses, hiking, off-road vehicles, hunting and camping.

As you know, the Federal Land Policy and Management Act of 1976 directed the completion of a comprehensive study of the California desert, which was to serve as the basis of the Desert Conservation Area Management plan. I strongly believe that any

desert "protection" legislation should be principally based upon the conclusions and findings generated by this process. During the course of this study, over 100 public meetings were held, sixteen environmental impact studies were conducted and over 40,000 comments from interested parties were considered. The results of this Congressionally-mandated study, based on such a high level of public input, should not be lightly dismissed.

If your office needs further information on this subject, please contact my legislative assistant, Hans Steinhoffer, at x5-2915. I am looking forward to working with you on this matter, as well as other issues of importance to Californians.

Best regards,



WILLIAM M. THOMAS
Member of Congress

WMT/hss

DIANNE FEINSTEIN
CALIFORNIA

United States Senate
WASHINGTON, DC 20510-0504

January 5, 1993

Honorable William Thomas
2402 Rayburn House Office Building
Washington, D.C. 20515

Dear Bill,

Thank you for your letter of January 3, 1993, regarding the California desert bill. I appreciate your taking the time to share with me your concerns about the legislation.

As you know, I intend to introduce the California desert bill on January 21. While my bill will be very similar to H.R. 2929 as passed by the House in November 1991, I will be including a number of amendments in response to the testimony at House and Senate hearings. These amendments also will address several of the issues you raised.

With respect to continued grazing in the California desert, my bill will allow grazing to continue for up to 25 years in the Mojave National Park rather than 10 years as earlier proposed. Grazing occurring in areas designated as wilderness managed by the Bureau of Land Management also will be able to continue.

Regarding the Department of Defense, I fully appreciate the importance of the military testing, training and research activities conducted in the California desert. My bill will include a number of amendments to address the Department of Defense's concerns about continued access to certain areas in the desert for these activities.

Regarding mineral resources, when the California desert bill was originally drafted, the boundaries were drawn to avoid known or potential mineral conflicts. Since then, the bill has been modified to accommodate a number of specific mining concerns. My bill will include these amendments. Additionally, I intend to amend the bill further to exclude the entire 31,000-acre mining claim block held by Viceroy Gold in the East Mojave.

Regarding access, I agree that there should be continued access, where appropriate, for off-road vehicles, hunting, camping, and other recreational activities in the California desert. I believe my bill will provide the appropriate balance between these uses and resource protection. More than 33,000 miles of roads and primitive routes providing access to desert lands will be unaffected by the legislation..

Finally, my bill is built upon many of the elements in the Bureau of Land Management plan for the California desert developed through the Congressionally-mandated study process. But it also recognizes additional concerns of the public and federal agency professionals regarding desert protection. For example, the September 1992 Field Institute poll found that more than 70 percent of Californians, including more than 70 percent of the people living in desert counties, support park status for the East Mojave as my bill will provide. I believe we must take into account this support and other public sentiment for more protection than that provided in the BLM desert plan.

I have asked Kathy Lacey of my staff to stay in touch with Hans Steinhoffer of your office as the legislation goes forward and would welcome any additional comments, questions, or specific suggestions you may have about the bill. I look foward to working with you on this issue and other issues of importance to the people of California.

Sincerely,

Dianne Feinstein
United States Senator

DF/kfl

Mr. THOMAS. Thank you very much.

Mr. VENTO. Mr. Thomas?

Mr. THOMAS. This is not new subject matter, and I come before the subcommittee in support of the legislation introduced by Congressman Lewis as the principal sponsor and supported by those of us who represent the desert, primarily because it is the result of a congressionally mandated plan. There are 100 public hearings, 16 environmental impact statements, mineral surveys, 40,000 comments, on and on, creating a documented public policy for arriving at a decision to use particular lands for particular purposes.

In reflecting on the history of H.R. 518 and its companion Senate legislation over the last three Congresses, I believe there have been maybe a half a dozen ventures out into the area to try to take testimony from people. I think that is significant in terms of either the temperature of the hearings or the willingness to go out and actually get the answers that I think are absolutely necessary in making final decisions about land use.

And I don't need to tell anyone, least of all the gentleman from Minnesota, about the difficulties or unanticipated problems associated with the Federal Government creating wilderness areas. In my district and areas that I have represented over the last decade we have created a number of wilderness areas: the Golden Trout Wilderness Area, the Machesna Mountain, Los Padres.

What we tried to accomplish, and this process included getting down on the land itself, helicopter tours and horseback tours, was clearly excluding areas which (1) didn't meet anybody's criteria of wilderness, but (2) did not create the difficulty of inholdings. And when you examine H.R. 518 it is shocking, frankly, to discover that what is purported to be included in wilderness covers sewerage ponds, the Coachella Water Canal, private homes, abandoned trailer parks, and frequently used roads.

It has been extremely difficult in the wilderness areas that I have in the Upper Sierra in attempting to buy out and go through the legal fights on relatively few in holdings. And, if you will simply try to get honest testimony from people who have to do the job of assessing and buying out the in holdings that would be included in this bill, that alone is hundreds of millions of dollars on top of any other costs that may be involved.

In addition to that, Mr. Chairman, it is one thing to show a map that was up here before or for the gentleman from San Diego to show a map and we look at a particular area and we say, Aha! And we relate it to another area and we say, Aha! And this one is red and that one is red, and we look at it on a piece of paper that, unfortunately, more often than not is 8½ by 11, and if it gets much larger than that—and I know you have now been out there a couple of times to appreciate the distances that we are dealing with. But, for example, one small insignificant detail in terms of moving an area currently controlled by BLM out of local offices in Inyo County and transferring the control of that to the Park Service without recognizing that between the two pieces of land are the Cottonwood Mountains, 15,000 feet high, and that to truly service it with the limited employee resources it is going to require a 150-mile trip, when it is a 35-mile trip for the BLM, is to deal with a two-dimensional shuffling of acres for political purposes instead of

a truly sensitive understanding of people who love the desert, who made their life's occupation protecting the desert in government service and the impossible job that this bill imposes on them.

Finally, let me say, Mr. Chairman, that this subcommittee and committee will vote out a number of land-use bills dealing with California over the rest of this Congress, and at some point, although I know it is not required, but at some point it would certainly be an indication of an enlightened awareness of the legislative activities of this committee if we were to bring together all of the bills passed out of this committee to examine the decisions being made in the area of desert tortoise land preservation, in the area of sequoia preservation, in the area of wilderness preservation, in the area of desert preservation, because it seems to a number of us that no one has sat down and overlaid all of these potential decisions on a map of California to fully understand the consequences. Not just in social and economic consequences, but also in terms of a rational reserve land use policy.

Some of them make sense. Some of them in context with others make sense. But I don't know anyone who can honestly take a look at all of the proposed legislation—as I say, wait until you pass it out of committee—and then put it together and think this is a reasonable, coherent plan. Please, Mr. Chairman, if you are going to move significant, multi-million acre bills, please look at your left hand and look at your right hand and make sure that what you do is at least minimally coordinated, because it is going to have a direct impact on millions of Californians and indirect impact on tens of millions, and it will have a national impact as well. Please look at the coordinated aspect of a multiple of decisions that individuals see from an individual perspective and look at it collectively from a public policy point of view.

And I thank the chairman.

[Prepared statement of Mr. Thomas follows:]

STATEMENT OF HON. WILLIAM M. THOMAS, MEMBER OF CONGRESS, HOUSE COMMITTEE ON NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

Mr. THOMAS. Mr. Chairman, I appreciate this opportunity to testify today on the California Desert proposal, H.R. 518. Though the number of the bill has changed, unfortunately, its content is substantially the same as that of H.R. 2929 from the 102d Congress. As a result, I must once again express my opposition to this legislation.

Contrary to what the sponsors of H.R. 518 would have everyone believe, their bill does not represent a compromise, nor does it represent how land management decisions should be made. Certainly the concerns of my constituents, and of others who actually live, work and recreate in the desert, have not been given adequate consideration in the development of this legislation.

As a result, I have again joined Congressmen Jerry Lewis and Al McCandless in introducing alternative legislation to protect not only the California Desert, but the jobs of many who rely on the desert for their livelihood. The drafting of this bill, H.R. 2379, involved the kind of public input decision-making process that should be employed when major land use decisions are made. It represents

the culmination of fifteen years' effort to identify areas suitable for wilderness designation in accordance with a Congressionally-mandated plan, and takes into account the concerns of all groups interested in the desert's future.

H.R. 2379 is the result of 100 public hearings, sixteen environmental impact statements, mineral surveys and 40,000 comments reflecting the views of all who use the desert. This study surveyed 7.1 million acres of public land throughout California, and concluded that 4.8 million of those acres did not qualify for designation as "wilderness" because of existing roads and other factors. Therefore, through this process and as a result of public input, H.R. 2379 provides for the appropriate use and protection of public land in California, and designates 2.3 million acres of true wilderness.

In marked contrast, H.R. 518 appears to make raw acreage figures, not wilderness values or consideration of other interests, the primary determinant for deciding on wilderness. There are numerous sections of this bill that demonstrate how a public process would better serve our needs. I want to mention some of these problems to show what happens when the balanced approach is ignored.

The bill creates wilderness and park land out of areas I never dreamed would be considered "wilderness" because they include sewage ponds, the Coachella water canal, private homes, abandoned trailer parks or areas with frequently used roads. When I helped produce the current Golden Trout, Machesna Mountain and Los Padres wilderness areas, I never sought to include these kinds of things.

This bill will create never-ending nightmares for government land managers and private citizens. The handling of the area west of the Cottonwood Mountains is typical: H.R. 518 gives this area to the National Park Service, forcing Park Service employees to travel more than 150 miles in a circuitous route around this mountain range to administer an area Bureau of Land Management (BLM) employees already conveniently manage from nearby local stations.

The bill creates hundreds of thousands of acres of "inholdings"—parcels of private and/or state property within the new wilderness and park areas. Inholdings, as anyone experienced with land use legislation knows, are a nightmare for the property owner and the government. It will cost hundreds of millions of dollars to buy these people out. We do not have federal land we can exchange for these properties. Federal properties available for exchange are already needed for other purposes such as mitigation for endangered species, including the desert tortoise, and wetlands protection.

This bill also ignores the mineral potential of the California Desert. Eighty-one different minerals can be recovered from the desert. The bill's authors do not even know what they are asking you to give up. Of the seven million acres covered by H.R. 518, for example, five million acres have never been surveyed for minerals. Domestic industries that rely on minerals found in abundance in the California Desert will have to seek other sources of supply, both in the United States and abroad.

We have had family livestock operations in the desert for over a century, but this bill eliminates grazing in many desert areas even though there is no reasons to do so.

For such reasons, H.R. 518 is not a compromise. It is clearly based on acreage rather than a thorough examination of the various interests and uses involved in the California Desert. The wisdom of Congress' decision to mandate the process by which BLM conducted an exhaustive, thorough study of the California Desert clearly shows that listening to all the public's interests and blending all of the factors included in the desert's future is the best way to reach a lasting agreement.

Like the authors of H.R. 518, we are all seeking to achieve the same goal: Protection of a unique and remarkable resource. Millions of Americans use the California Desert every year under current conditions. In order to ensure that all Americans and their children have a chance to enjoy and benefit from this resource in the future, we need to enact truly balanced legislation, the kind of product that H.R. 518 clearly does not represent.

Those of us who represent the California Desert do not accept this proposal and urge the members of the Subcommittee to reject it as well.

Mr. VENTO. Thank you. Some would say California is represented on this committee. Others would say it is overrepresented on this committee, depending on your point of view, on both sides of the aisle. But in any case, hopefully, these members do bring with them an understanding of the area and the State.

Mr. VENTO. Mr. Lewis?

STATEMENT OF HON. JERRY LEWIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LEWIS. Thank you very much, Mr. Chairman. I want to express one more time my appreciation for your courtesy, allowing us to participate not just as witnesses, but also participate on the panel today. Because of that I would like to have permission to submit my complete testimony for the record and I will make a few comments and not take a great deal of your time.

Mr. VENTO. Yes. Without objection, your statement will be made a part of the record. And Mr. Thomas' exchange of letters with the senior Senator will be placed in the record.

Mr. THOMAS. The freshman senior Senator.

Mr. VENTO. From California. Mr. Lewis?

Mr. LEWIS. Thank you, Mr. Chairman. Mr. Chairman, I really am not certain I care for charts, but this was drawn up in no small part to give an outline of the best guesstimate of some of the experts inside the Department as to what the costs might be in contrast between H.R. 518 and S. 21 versus H.R. 2379. The latter bill is a bill that was recently introduced.

[The chart follows:]

ESTIMATED LAND ACQUISITION COSTS OF DESERT PROTECTION LEGISLATION

[Dollars in millions]

	H.R. 2379	S.21/H.R.518
Estimated acreage of inholdings to be acquired for expanded wilderness and parks	400,000	1,000,000
Total number of wilderness and park proposals with significant inholdings	4	25
Estimated inholding acquisition costs	$335	$1070
Estimated land transaction costs	$47.5	$160
Total land acquisition costs (Estimated)	$382.5	$1230.0

Mr. LEWIS. Thereby it couldn't really be a part of this agenda. I think you will appreciate the reason for its lateness. I had every hope that as we move forward in this Congress that we would have a new opportunity for communication with the Senate. Senator Feinstein and I have known each other for a number of years. I was very hopeful we would have an environment for a positive compromise as a result of that, so I held off introducing what essentially is the bill that we have had in the past, and it does reflect the work of that Public Lands Commission.

Having said that, it is very important for me to share with you that much of the California Desert lands now lie in my district. A very significant portion of that desert territory which was in Mr. Thomas' district in Inyo County is now, as a result of redistricting, mine. In the meantime, all of the Members present on this panel share both an understanding of and a concern about the future of the California Desert.

I want you to be reminded, Mr. Chairman, that I feel very strongly about my own credential relative to environmental concerns. I don't take these subjects lightly. As a member of the State legislature I was the chairman of a select committee that involved major issues of the environment. I was the author of language, or a bill that created probably the largest and certainly the most significant air quality management district in the country, a district on which board later my colleague Al McCandless served in the first sessions of that commission.

I have introduced legislation to try to control what we call cactus-nappers who were coming across the Arizona and Nevada borders, where they used to send in trucks to steal desert cacti and sell them in the marketplace in those States not so far away. Indeed, here in the House I have continued to work in air quality matters with our colleague Henry Waxman, and we have had some considerable success in connection with that work.

Having said that, my predecessors, Jerry Pettus, and when he was killed subsequently his wife, played a key role in the passing of FLPMA and establishing the process that eventually brought us here, and it was that early congressional action that expressed concern about a positive balance relative to the way the desert would be protected as well as be able to be used in the future. It is very important for me to have you know that once that process had gone forward and the Public Lands Commission had produced its product, the 15-member Desert Advisory Council after spending years drafting that plan. Their plan was drafted with widespread participation and support of environmentalists, conservationists, biolo-

gists, ranchers, miners, off-road vehicle users—everybody who really has a concern and interest in our desert.

When the process was completed and the recommendations were finalized and signed by President Carter's Interior Secretary, Cecil Andrus, the report contained the following conclusions. The desert will continue to be accessible to people in vehicles as consistent with changing trends and needs. New power lines and probably power plants will have to be constructed in the desert. The objectives of the Congress and the public will have been achieved: multiple-use resource protection and sustained yield.

These conclusions were drawn by the Desert Advisory Council after four years of study, 50 public meetings, and over 40,000 individual comments. It was the result of a very small group of people who I have chosen to describe as elitists that we eventually took off track that very important congressional process, and we have now been involved in the midst of a stalemate for a decade, and as a result of that very important desert lands have gone unprotected compared to where we would have been if we had just followed the process Congress established in the first place.

It is important for me to take us back just for a moment to an item that you allowed me to question the Secretary about. It is an item that, really, we didn't focus on in the last Congress because the language that swirled around this subject area was developed in the committee in the closing moments before the bill came to the floor. But it involves those compromises that solve the problems of the California Teachers Association, of the public employees system, by way of, essentially, that language I have been referring to as the Catellus solution.

To illustrate that, Catellus is the private land company that represents the interests of the Santa Fe Railroad and others. They have somewhere between 355,000 and 410,000 acres, I am not sure. We can't get a handle on the exact number left. But nonetheless, it is a major piece of holding that has to be settled before we can actually go to the other end of this process.

In the language, Catellus has an extremely valuable asset essentially gifted to it by the Congress; that is, they have chits that can be traded for like property in the Federal holding, not just land in California, but values that might involve undervalued RTC property, for example, land in other States as was suggested this morning that would have to be approved by the Congress, but all understanding was that that would be part of the solution, essentially took this big vested interest and said, Friend, we are going to solve this problem and, you know, that will remove your opposition, members of the California Teachers Association, et cetera, et cetera. We all understand how that process works.

Let's say we take some of those chits and we go up to the Bay Area where we are closing bases. Catellus could sell some of its values to another private interest, maybe a developer interest, and they might very well trade that value for, let's say, Treasure Island—small, maybe undervalued, RTC piece of property or a base closure property.

Indeed, if I were a member of the board of directors of Catellus Corporation I would be chomping at the bit to be able to exercise those kinds of opportunities for my stockholders.

I was pleased to hear the Secretary say that he represents the people of the United States, not just special interests. I wouldn't suggest that really is the interest of this committee either. But clearly this language was designed to withdraw or take back the opposition of major power centers. The unions that represent the teachers, the unions that represent public employees, a force that might very well have dramatically affected the ability to move a bill out of this committee.

But who is going to pay for those compromises? I would submit in the final analysis the payment is going to be made by the American taxpayer, you and I, at a time when the Congress has exercised its will through past, very positive public affairs processes. A public commission held public hearings. We solved the problem, made the compromises, then a decade or so ago chose to walk away, and created this current circumstance, an environment that is so full of holes it is hard for me to believe the Congress does not want to go back and undo what it has chosen to do in terms of a new path.

Mr. Chairman, I in the past have prided myself at being very, very careful about partisan considerations in matters of this kind. But for the record I want you to know, Mr. Chairman, that early on I communicated with our junior Senator from California shortly after her election. Mighty close in that election, those two. In the meantime, I have known her for a number of years. She told me personally that she was not going to be an expert in this subject area. She had made a political commitment on the campaign trail and was going to go forward with what was essentially the Cranston legislation.

It is very clear by my discussions in the House that it is understood here that while she has to run for reelection just a year and a half from now that it is going to be her bill that goes through the process. There is no doubt in my mind that, while this bill represents something less than a park in the East Mojave, when we get through the conference process it will be a park in the East Mojave, because that is what some of those special interests want.

And it seems to me that politics has gone a bit far in this process when you are talking about such critical concerns to the future economic interest of California. I will submit that the bill that will come out of conference will seriously threaten almost 20,000 jobs in Southern California, will lay the foundation to undermine one of the most important industries we have in the southland, the mining industry. It will cost the taxpayers so much money that I have chosen to go to the partisan extreme of suggesting that this bill when passed, which will be S. 21, will be remembered as the California Unemployment Act—the Feinstein California Unemployment Act of 1993.

Other than that, Mr. Chairman, I don't have any further remarks for the record, but I do appreciate your courtesy.

[Prepared statement of Mr. Lewis follows:]

STATEMENT OF CONGRESSMAN JERRY LEWIS

Mr. LEWIS. Mr. Chairman and members of the subcommittee: Again this year, I welcome the opportunity to appear and testify as you consider H.R. 518, the California Desert Protection Act.

Over the past several years, I have addressed the complex issues raised by this bill and nearly identical legislation introduced by Senator Feinstein and her predecessor, Alan Cranston. Today, I intend to restate many of my previous questions and arguments while shedding new light on this committee's effort to craft a sound formula for managing the Golden State's crown jewel, the 25 million acre California Desert.

I come to this position of opposition having compiled a proud record of sensitivity to environmental concerns. I would like to briefly share with you my long involvement with matters relating to the environment. As a member of the California State Assembly, I drafted legislation creating the South Coast Air Quality Management District. I also sponsored the Cactus-Napper bill, an attempt to control the illegal transport of cacti from California's public lands. More recently, I joined with Representative Henry Waxman in passing legislation to reauthorize a tough and flexible approach to helping this Nation's major urban areas meet ozone attainment standards. Our bill gained bipartisan support as well as an endorsement from many environmental groups, including the Sierra Club.

My predecessors, Representative Shirley Pettis and her late husband, Representative Jerry Pettis, were instrumental in passing the Federal Land Policy and Management Act [FLPMA] in 1976. FLPMA mandated a public planning process for California's public lands. A 15-member desert advisory council spent 4 years drafting a management plan for the desert. Their multiple-use plan, achieved through a congressionally mandated process, was drafted with the widespread participation and support of environmentalists, conservationists, biologists, ranchers, miners, off-road vehicle users, campers, rock collectors, and others.

When that process was completed and the recommendations were finalized and signed by President Carter's Interior Secretary Cecil Andrus, the report contained the following conclusions:

> The desert will continue to be accessible to people in vehicles, as consistent with changing trends and needs . . . new power lines, and probably power plants will have been constructed in the Desert. The objectives of the Congress and the public will have been achieved: multiple use, resource protection, and sustained yield. (p. 155).

These conclusions were drawn by the Desert Advisory Council after 4 years of study, 50 public meetings, and over 40,000 individual comments. Nine hundred people attended Desert Advisory Council workshops and a plan was finalized at a cost to the American taxpayer of somewhere near $8 million.

In virtually every important sense, H.R. 518 and its Senate counterpart S. 21, attempt to bypass this process. H.R. 518 and S. 21 were originally drafted and introduced by an elite few behind closed doors with little public input. It is no secret that those most supportive were dissatisfied with the final compromise plan reached through the congressionally mandated (FLPMA) process. Consider how the FLPMA product was portrayed by the *Los Angeles Times* in its editorial of October 13, 1980.

> * * * The plan appears to protect the interests of preservationists while recognizing the needs of miners, ranchers and utility companies. It is a balanced plan; no one group will be entirely happy with it, and that's a good sign.

Today, the subcommittee considers the legislation which reflects the preferences of the one group of elitists who walked away from the compromise. Indeed, to consider H.R. 518 is to circumvent the public process, to violate the public trust of those who committed years to the public process that culminated in a reasonable and comprehensive desert plan. In the eyes of this Member and a solid majority of my southern California constituents who live in, work in, and love the desert, such a violation is not only unbelievable but totally unacceptable.

One of the leading obstacles to the permanent resolution of desert protection is the question of management of the East Mojave. I find it absolutely absurd that H.R. 518 would create a 1.5 million acre national park in the East Mojave at a time when the National Parks and Conservation Association has identified a $3–$5 billion operations, maintenance and land acquisition backlog within the existing park structure. By their own estimate and in the East Mojave alone the Park Service would have to spend $16 million to acquire private land. That $16 million would not improve the properties, it would merely compensate the existing property owners for the loss of their property interests. This compensation is only for private landowners. It does not even take into consideration the lands owned by the State and by Catellus Corporation. Furthermore, at the present time, six active mines operate in the proposed East Mojave National Park. I have always been open to protecting those areas where natural values exceed economic importance. However, it baffles me that areas which contain power corridors, roads, railroads, pipeline rights-of-way, an aqueduct and active mines can be considered of National Park quality. It also baffles the Park Service.

The special features of the East Mojave are protected within the East Mojave national scenic area and carefully spelled out in a 1988 management plan prepared by the BLM with extensive public participation. We should follow the recommendations of the professional land managers—they suggest reducing the acreage and carving out wilderness to avoid conflict.

Let me now raise some important questions with regard to the way this bill could affect current and future uses planned for the California Desert. At a time when the entire Federal Government is facing tight budgetary constraints at every level, it is inconceivable that Congress and the administration could support a plan in which the price tag is presently unknown. However, it is estimated that this bill will cost the American taxpayer in excess of $1.23 billion. It is essential that we identify the public costs associated with this approach to transforming public lands into wilderness and parklands. I am informed that State inholdings total 244,000 acres and Catellus Corporation's inholding amount to somewhere between 355,000 and 410,000 acres that would be transformed into either wilderness or parkland in this bill. Those figures don't include the many individual inholders. Yet, this bill makes no attempt whatsoever to augment what almost everyone will agree are already inadequate resources for this new mandate.

There are certain land exchange provisions contained in both H.R. 518 and S. 21 that, to say the least, provide for interesting public policy. Under this legislation, the Catellus Development Cor-

poration—the real estate arm of the Santa Fe Railroad—would be allowed to exchange their land for other Federal property—including devalued Resolution Trust Corporation [RTC] holdings. These exchanges would be not only in California, but throughout the entire United States. H.R. 518 and S. 21 also authorized Catellus to transfer or sell their monetary credit to third parties rather than a Federal cash buy out. This is indeed a dangerous precedent. This interstate exchange provision is also a direct violation of section 206 of the Federal Land Management Policy Act [FLPMA], 43 U.S.C. § 1716, which implicitly prohibits interstate land exchanges. I do not want to raise visions of robber barons but, to extend these land exchanges to other States as well as include devaluated RTC properties for exchange purposes does just that. With their average per-acre value of land estimated at $1,000, Catellus will be afforded a credit account of nearly $400 million dollars. I suggest the committee take a long thorough look at the ramifications attached to this provision. The true emphasis of any land exchange provision should assist the small inholder—not large corporate interests.

Nothing is more important to the desert than water. However, the passage of this legislation in its current form amounts to a very curious form of water policy. While H.R. 518 does reserve a Federal water right for each wilderness, there is no mention of rights-of-way to serve the small and big game guzzlers being maintained by the State.

Proponents of this legislation argue that they have changes to protect all legitimate current uses of the desert. California's existing mining industry is a sector where high-pay manufacturing jobs are currently flourishing, however, if this legislation is enacted, the majority of these jobs will move to other states and most likely other countries. At the present time, the mining industry in the desert of southern California provides approximately 20,000 direct jobs. Mining in the desert contributed $3.09 billion to the southern California economy in 1989. According to one survey, the average annual wage for a local worker in this industry is $36,900. With the high unemployment rate in San Bernardino and Inyo Counties, it simply doesn't make sense to cripple a growth industry. In countries like San Bernardino and Inyo, the Federal Government already owns 75 percent or more of the entire land base. These countries are already heavily constrained by Federal ownership. They need the economic contributions that mining, grazing and other well-managed commodity uses can provide.

The BLM, in the desert planning process, excluded some WSA's included in H.R. 518 precisely because of their mineral potential. But they also found almost 2 million acres with significant resources to be suitable for permanent wilderness designation. That is called a compromise between uses. If this bill is enacted in its present form, the California mining industry will be confined to less than 15 percent of the 25 million acres contained in the California Desert.

These economic limitations raise vital national security concerns as well. The California Desert is a repository for 24 strategic minerals including 97 percent of this country's reserves of rare-earth minerals such as Yttrium and Lanthanum. These substances are critical to America's competitiveness. They are needed for the super

alloys that allow us to build our latest generation of military airplanes. Their unique electronic properties are essential to the microchip industry of the Silicone Valley.

This concern with national security brings us to the military withdrawal portions of this legislation. Several issues regarding military use of the desert must be addressed and permanently settled prior to the enactment of any desert legislation. These issues are as follows—the potential expansion of the National Training Center at Fort Irwin [NTC], the possibility of increased overflight at Twentynine Palms Marine Corps Air Ground Combat Center [MCCGCC], buffer zones between military activities and wilderness areas near the Chocolate Mountain Aerial Gunnery Range [CMAGR] and a moment corridor linking MCAGCC and the NTC.

Much of our success in operation Desert Shield and Desert Storm can be directly attributed to the national training center at Fort Irwin. General Norman Schwarzkopf had this to say about NTC—Fort Irwin:

> I commanded the 24th Mechanized Division during seven different rotations at Fort Irwin * * * It is the best investment the Army has made in the 35 years I have been in the Army * * * The reason we did so well in the Desert Storm and Desert Shield, is because almost every commander we had over there had some kind of involvement in the NTC * * *

Any solution must deal squarely with the real conflicts between solitude in wilderness and the irreplaceable weapons testing, combat training and low-level overflights which now occur routinely in this vast area. This is another prime example of a conflict that could have been avoided by abiding by the public process mandated under FLPMA.

In its present form, H.R. 518 will also jeopardize the California Department of Transportation's [CALTRANS] ability to efficiently maintain the highways of the desert region and to make improvements necessitated by future growth. With regard to Death Valley's State Route 190, H.R. 518 is unspecific as to who would be responsible for maintenance—the park service or CALTRANS.

Mr. Chairman and members of the subcommittee, during my years of service in the House, I have strived to seek bi-partisan solutions to our problems. I am not known for political excess. But I must say, as we come very close to the conclusion of this committee's work on this issue, this process has been driven far more by politics than by compromise.

It appears that many of my colleagues in the House and Senate prefer lip-service to compromise. They do not appear willing to compromise in order to pass balanced desert legislation. I have worked hard and will continue to work hard, seeking compromise on the issue of desert protection. During Senate hearings on S. 21 in April, Senator Feinstein indicated a willingness to negotiate. I have indicated a strong interest in working with her to develop an alternative plan which would protect pristine areas as well as vital economic interests. To this day, that offer has been met with silence.

The same story holds true for this mining, off-road and hunting interests. They have all been asked to submit compromise positions and each has complied with that request. To my knowledge, all been rebuffed. Because most attempts to compromise have been

turned away—I, along with my desert colleagues—decided to introduce H.R. 2379, the California Desert and Employment Preservation Act. I remain hopeful that there can be some type of compromise over the many differences that remain between H.R. 518 and H.R. 2379. I believe such a compromise is achievable.

For years, Alan Cranston and more recently Dianne Feinstein have blamed Pete Wilson and John Seymour for the stalemate over desert preservation. To my friend and colleague I say, "Dianne, it's time to end the blame game. Let's pass desert legislation that balances both environmental and economic interests."

If H.R. 518 or S. 21 pass in their present form, they will close down millions of acres of desert in the name of wilderness protection that in no way reflect those qualities that justify wilderness or national park designation. From an economic and environmental standpoint, H.R. 518/S. 21 is an extreme and costly proposition for the American taxpayer. It will close down much of the future of the mining industry in the west and will dramatically effect some 20,000 jobs in southern California. Desert legislation must balance desert protection with economic preservation. The Feinstein desert bill falls this critical test.

At a time of great economic distress in California, H.R. 518 and S. 21 will be known to those who live and work in the desert—as "The Feinstein California Unemployment Act of 1993." The American Taxpayer cannot afford this bill's $1.23 billion price tag.

Mr. VENTO. The gentleman made some strong statements with regards to what the effect of the bill is. Am I right in understanding, Mr. Lewis, that your new bill is very similar to the version you introduced in the 101st Congress and which was the subject of several hearings, including our California field hearings?

Mr. LEWIS. As I recall exactly, there were approximately a half a dozen hearings that included at least the essence of that bill, in contrast to roughly 50 hearings that were held by the commission created by the Congress over a period of 4 years.

Mr. VENTO. Mr. Thomas, I assume your reference to the logistical problems associated with transfer of BLM lands to National Park Service management is a reference to the proposed expansion of the Joshua Tree area, or is it the Mojave area?

Mr. THOMAS. There are a number of areas dealing with planned expansion of the park, the National Monument and withheld lands in and around Death Valley. In addition to that, in cavalierly shifting between Park Service and BLM and Forest Service significant acreage, it has been moved around on the map without a full appreciation of where the Federal employees of the various departments and agencies are stationed, and what their additional responsibilities would be if assigned new territory. And that alone, given the numbers of people that are going to have to look over enormous square miles of new territory, should be taken into consideration unless, of course, the chairman believes that on top of the hundreds of millions of dollars in dealing with the in-holdings we should cavalierly hire hundreds of additional new employees so that they can actually do in terms of their Federal job what the bill purports they would do.

Anyone examining the map, and understanding how far you can drive in a day, and what you can do in terms of 24 hours, know that what the map says is going to be done isn't going to be done.

Mr. VENTO. Well, I think that it is not unusual for the agencies like the Park Service and the BLM to enter an agreement to manage certain lands that are not Park lands, that may be BLM lands, or for BLM to sometimes manage other agencies', even other department's, lands such as Agriculture lands, to try to facilitate such problems in terms of logistics, in terms of in which jurisdiction the land is. So that is not an insurmountable or even a big problem.

And the issue here is administrative feasibility and boundaries are important, and designations are important, and we try to make the decisions based on other characteristics which you have also addressed in your statement.

Mr. THOMAS. Mr. Chairman, if I might respond briefly?

Mr. VENTO. Yes.

Mr. THOMAS. You certainly can take a piece of property that is currently under the jurisdiction of BLM, move it under the Park System because someone said they wanted to do that in a piece of legislation, and then have the Park Service negotiate with BLM to go ahead and continue to manage the BLM land.

Mr. VENTO. Yes.

Mr. THOMAS. You can certainly do that from a partisan political position.

Mr. VENTO. No. We would do it——

Mr. THOMAS. But from an administrative position, it doesn't make a lot of sense to make the transfer in the first place. That came out in the public hearings. That is evidenced in one piece of legislation.

But the cavalier shifting of landholdings between agencies is one of the premier evidences of H.R. 518. We can go on in terms of various areas.

Mr. VENTO. I would be happy to visit with the gentleman further about it. I am just suggesting it is not unusual for the agencies, or the departments even, from Department of Agriculture to Interior, to share administrative responsibilities in a way that does not necessarily relate to the designation or ownership or the land patterns. That is my point. Whether you suggest the motives of how that is done or why it is done is certainly another question. You know, I don't agree with him with regard to some of the designations. But that wasn't what my response was to you.

Mr. Hunter, you had talked about some of the water maintenance activities such as the sippers which are used for the desert bighorn and other species which are generally, or may have been maintained for grazing activities. Is that correct?

Mr. HUNTER. Say that again, Mr. Chairman.

Mr. VENTO. The sippers, the water areas——

Mr. HUNTER. The guzzlers? Yes.

Mr. VENTO. Guzzlers—pardon me—yes.

Mr. HUNTER. Yes.

Mr. VENTO. Are they maintained for use of cattle, or are they exclusively used for wildlife? Most of these are not for cattle, are they?

Mr. HUNTER. No. These have all been, according to the Regional Secretary of the California Fish and Game, have been put together for wildlife, and I have got the breakdown of the areas where they exist.

Mr. VENTO. Yes. Well, I think it is important. I want to just attest to you that the BLM guidelines for wilderness provide for a methodology and means to, in fact, maintain such areas. This is a consideration clearly in terms of your view, because you are saying that they need to have motorized access in terms of maintaining these. I am suggesting to you that we had the similar situation in Arizona and other areas. As a matter of fact, this year we are going to dedicate, in August, a wilderness training institute and research institute in Montana which specifically addresses further formalization of such training for individuals and/or research which will enhance the ability in wilderness to maintain such activities.

But they are maintained now in other areas. Maybe the numbers here are the reason or the conditions are somewhat different than in Arizona.

Mr. HUNTER. A key is, Mr. Chairman, if I might address that, and this is according to Randy Rister of California Fish and Game who was instrumental in putting these things in, is that you have some differences. This isn't like going into a mountain area where you backpack in or you can take in mule teams easily to establish drinking areas. In the first place, you wouldn't need to do that in mountain areas because you have enough precipitation and natural springs.

But this is a place where you have 120-degree heat in the summertime and where you have to cover literally dozens and dozens of miles. The desert, basically, is big distances. And, if you put yourself at the periphery of these big proposed desert areas and say that you have to go into the center, you may be talking about taking in a team of mules in 120-degree heat, 20 or 30 miles through the desert with massive backpacks, because in some cases you got to lay concrete. Because you have a very tiny amount of water coming out and you have got to be able to catch that water and hold it for extended periods of times.

So according to the guy who put them in, and that is Randy Rister, who is an up and coming athletic, tough desert guy, he said, "These bozos in Washington who say we can do this stuff with 20 mule teams don't know what they are talking about."

And, Mr. Chairman, that is the essence of this thing. The desert means great distances. And for everybody from Ida Little, the grandmother in my district who has taken people for 20 years on tours of the desert flowers in these areas—Ida Little at 75 or 80 years old is not going to get out with a backpack and be able to go a quarter of a mile before she drops in the sand. You have got to have a vehicle to be able to appreciate and get out and penetrate the desert in these areas where you have an interest, whether it is a family of four that have a particular camping spot where they have been for the last 15 or 20 years like some of the families we visited with or your grandmother who takes people on tours of the desert flowers or Fish and Game people who maintain the wildlife or the Border Patrol that have to interdict narcotics.

These border patrolmen, and that is another point, Mr. Chairman, they cut for sign right at the Mexican border and they see where these smugglers with cocaine have come across. They can't limit their search to a 150-foot strip on the border because by the time they find the footprints those people are well in the proposed wilderness area. They have to pursue them and track them.

And that is why I would like to ask you to really look at this thing with some scrutiny in these various areas and see if maybe you haven't seen some arbitrary decisions putting this thing together.

Mr. VENTO. We will pay attention to both of those points.

Finally, I note, Mr. Lewis, that you have referred to this cacti smuggling that has been taking place in the California Desert by the people from Nevada and Arizona.

Mr. LEWIS. Cactus-nappers.

Mr. VENTO. Cactus-nappers. But you suggest that no one from California has been responsible for this.

Mr. LEWIS. Well, they are no longer a Californian. See, we automatically rescind their residency.

Mr. HUNTER. We follow them with the source tax.

Mr. VENTO. You only look to the east for problems, not to the west, I guess.

Well, gentlemen, you have been patient. Mr. LaRocco is present and probably has a question or two for you.

Mr. LAROCCO. Just two. Mr. Lewis, you had mentioned that there would be 20,000 jobs lost in what you called the California Unemployment Act. Is that in line with what the Secretary said with regard to the Viceroy mine? If the Viceroy mine were excluded and there was a line drawn around it, we would get uncertain whether the whole claim block——

Mr. LEWIS. It is exclusive of the Viceroy mine. That Viceroy mine has been a chapter in the process for a long time now, so they are not included in that guesstimate. It is very clear, however, that California's economy depends a great deal upon the mining industry, especially the region that we are talking about. It is one of the fundamental industries. The numbers of jobs are difficult to guesstimate, but those are attempts to be conservative about the real impact upon our economy at a time when California is in desperate shape economically.

Mr. LAROCCO. But mainly mining industry jobs?

Mr. MCCANDLESS. If I may respond to that?

Mr. LAROCCO. Sure.

Mr. MCCANDLESS. I might be able to focus in on a little different area. Let's take the little community of Blythe, for example, which is approximately 8,000 people. It has a large population of motels. During the early period of this program of the Desert Council the people in Blythe were after me like they would like to tar and feather me because they visualized that they were going to lose a lot of what they had in the way of weekend and other types of vacation economy. One of the gentlemen who came up to me owned one of these smaller motels, and he said, "McCandless, I want to tell you that 22 of my rooms last weekend were taken by people who were out visiting the desert area, and now you are going to take that away from me by making this a pristine area. I don't

want to have anything to do with you and I am not going to vote for you next time." That is an example of one person, yes. But the fact that he had 22 rooms that weekend rented to people that we are referring to here who enjoy the desert, and the fact that down the street not too far the Safeway store parking lot had a considerable number of campers on pickups getting provisions to go on out into the desert to camp, was indicative that this economy of Blythe relies heavily on this kind of activity and usage of the desert.

And so you multiply that by Ehrenberg across the Arizona line, Parker, Vidal Junction, Needles, Barstow, Desert Center, Chiriaco Summit—we could go on and on and on. It collectively has a substantial economic impact if these people are restricted to the degree that the bill we are currently looking at does. The incentive to want to go to the desert will not be there because it is off limits.

Mr. LAROCCO. Are you sure they weren't loading up those RVs to go to Idaho?

Mr. LEWIS. A possibility, Mr. LaRocco.

Mr. LAROCCO. Yes, Mr. Hunter?

Mr. HUNTER. Mr. LaRocco, I load up my RV to come to Idaho and try to leave with an elk as often as possible.

Mr. LAROCCO. Joe Parkinson told me.

Mr. HUNTER. Joe doesn't get his elk usually.

Mr. LAROCCO. I know.

Mr. HUNTER. No, I am just kidding, Joe. I know you won't read this transcript.

Let me give you another aspect of this economic devastation. Of the 2.8 million visitor-days at just this little piece of dunes, sand dunes, the South Algodones Dunes next to the Mexican border, and this is something Herman Snyder is here with the Off-Road Coalition, but they have done some surveys and the average person there or family that comes to those dunes spends between $15,000 and $80,000 on their off-road vehicles. Now that may be anything from a couple of 4-wheelers to some of these very, very expensive, $20,000 dune buggy rigs that will hold the entire family while you go over the dunes.

And the building of these dune buggies and these off-road vehicles has become a California industry. One gentleman showed me his rig, which he was going over the dunes with with his family, that he had bought turnkey from a California company, manufactured totally in California, $20,000. So if you multiply that $15,000 to $80,000 in off-road vehicle purchases, you can see there is an enormous industry built around off-roaders.

Beyond that, just the two little communities there next to the dunes, El Centro and Brawley, in my district, reported $67 million—$67 million in annual taxable sales as a result of these visitors to the dunes. So this is not only a very important quality-of-life issue to the blue collar folks that enjoy the dunes, but it is also an industry for the people that make the vehicles. We got one gas station that goes from 800 gallons a day to 10,000 gallons a day during off-roading time in a little town that is similar to the one that Al McCandless talked about.

And just to give you an idea of the impact of this, when I was out visiting a couple of weeks ago I asked my off-roaders, I said, "Get me some signatures from your people," and within a couple

of weeks they have provided us with 45,000 signatures from people in my district. Forty-five thousand, mostly working people, who say, "Please don't close down our desert." That is what we are looking at in terms of economic impact.

Mr. LAROCCO. Okay. Well, thank you very much. Thank you, Mr. Chairman.

Mr. THOMAS. Mr. Chairman, just briefly—I did not hear a response as you reviewed the concerns that were mentioned, and I do have a very serious concern about our ability to resolve inholdings. I wonder if the chairman has any concern about that as well.

Here is the problem. A lot of the land has to be made on a like exchange basis, if we try to persuade people to make exchanges. We are finding that given the extensive government-held land that it is a very difficult thing to do now, much more difficult to do now than 10 years ago, because of the need to mitigate for endangered species. That when you take the endangered species law, the mitigation—and, believe it or not, when you talk about the desert there is still a wetlands problem by definition in certain areas. And when we have to buy out these properties—a number of people were there because they wanted the land, and they are looking for a land exchange. And we are running out of options for land exchange, and the only other way I know is to up the bidding in a way that we buy them out.

And given the extensive in-holdings in this bill, it will be hundreds of millions of dollars to buy them out, not to mention the exchange problem. Does the chairman see any potential problem in that area?

Mr. VENTO. Well, I think that the response to the question is that there are some unique provisions. The major provision deals with what has been referred to as the Catellus Development Corporation. In any case, the problem of inholdings within public land, whether it is BLM or within a park-designated area, persists.

We have had, I would remind the gentleman, a backlog. Some would claim it is very high. I think it is overstated somewhat. In terms of the value going up, when we designate a park everyone complains about it but then the value goes up very quickly for the lands in and around it, which is always a concern to us because it sort of compounds the problem of value. The park actually does increase its value. So I would not try to convince my colleague, Mr. Hunter, of that today, but I would say in terms of its recreation value and the other attributes that are important, it is something to think about. We seldom try to justify the park designation on that basis.

Getting back to your question, this provides the opportunity, as the Secretary said, from the public domain some 270 million acres of land to try and block up. I might say that I think that the agencies historically have been less than cooperative in terms of trying to block up land, whether it is the Forest Service and/or the Park Service.

And so trying to facilitate that process, this goes beyond the State of California, where, of course, the options would be more limited, to embrace and look to other areas to try to block up the land. So I think it always is good to bear in mind if the trades and

the exchanges don't go forward that there is potentially a liability in terms of extinguishing whatever claims are there on a dollar basis, although that is not possible to do other than on a willing seller/buyer basis in wilderness areas. In parks it is a little different proposition. But they would have to come back before us to facilitate these exchanges, which we expect would be larger. So this really would put them on a path of trying to avoid the conflicts in land use. That really is what we are talking about here, although, as I said, there are some parks that have been around for a hundred years and still have inholdings within them, and it isn't particularly a high priority to eliminate some of those inholdings on the part of Administrations past and/or current, especially with what they are asking be appropriated from the Land and Water Conservation Fund.

But it makes the job of administration much more rational to have these lands somewhat blocked up. And we are moving. In fact, we have, the committee has, really, with the instigation of the past Administration and then Director of BLM, Cy Jamison, finally come to meet issues in Utah for Mr. Hansen and Mr. Owens and now Mrs. Shepherd and others, Senators Garn and Hatch, and now Senator Bennett. We have worked to bring together a conclusion to a land exchange there which is pretty significant in terms of the school sections dispersed throughout the State, really based on Governor Scott Matheson's efforts to do that.

So I think we are moving in that direction, Bill. Quite aside from the merits or demerits of this legislation, I think there is some hope here. And again, you know, the Congress has been very reluctant to grant the land management agencies authorities to do things like this because of Members concerns, like you care about what happens in Inyo County. Or now maybe Mr. Lewis cares more about what happens in Inyo County, I don't know, in terms of the boundary lines.

So, that is to say, we have reserved onto ourselves the responsibility to act on these particular measures, not to let them transfer administratively. We don't. And, as a matter of fact, if you look at land-use law, we don't trust the administrators of land very much. We have been very jealous about what we have done and very careful because of the profound effect it has on the myriad of concerns that you have raised here today.

Mr. HUNTER. Mr. Chairman?

Mr. VENTO. Yes, Mr. Hunter?

Mr. HUNTER. I just wanted to respond to one——

Mr. VENTO. Don't encourage me. I get carried away.

Mr. HUNTER. I just want to respond to one thing that you said because you mentioned the fact that parks typically will track economic activity and we have mentioned economic activity, and I have here the tristate impact is $2.7 billion, according to the Off-Road Association—that is California, Arizona, and Nevada—as a result of off-roading.

But I just wanted to say that I am a backpacker. You probably are too. I have backpacked every State in the West except Washington. And I backpack the mountains.

And I guess my question to you is, if we are going to proceed on the presumption that people are going to come in and backpack in

these desert areas like the Algodones Dunes, when was the last time you saw somebody with a backpack on hiking through sand dunes?

Mr. VENTO. Well, it is tough walking, you know. But we have got these new skis we are putting out.

Mr. HUNTER. I think we are talking about essentially locking out people.

Mr. VENTO. My concern—I think there are a lot of surveys on tourism and the value of parks. I don't try to justify the designation of lands on that particular basis, although I was referring really to the land values more so than the other issue that you raise in terms of probable tourism and dollars that are attributed to it. Parks generally come out pretty far ahead, I think, in those types of analyses. We have a lot of people around that are far more expert than I, but I seldom, as I say, try to justify the action of designation on that because there are other things that we look to in terms of the significance of it—the feasibility of the management, the appropriateness of that designation. So I choose not to contest or to advocate parks on that basis from my own perspective and judgment.

We are concerned about impacts. It will be changing here to a different type of a user. There is no question about that. I looked at that area, incidentally, and it appeared to me that there were some areas that would not be designated wilderness or parks. It would remain open, obviously, to the off-road vehicles depending upon how BLM would manage it.

Mr. HUNTER. Yes. Let me just address that very quickly because I asked that question also when I went out and spent some time with my off-roaders, and they pointed out to me that the places where you have some fatalities, and over the years you will have a few, are where people are very close together.

Mr. VENTO. Oh, yes.

Mr. HUNTER. You could see a lot of people working the dunes as they were talking about this. The real impact of this closure of very large areas like the South Algodones Dunes, which is their favorite area, results in having all the people compacted into very small spaces. And they said if you are looking at a situation where you are going to have less safe conditions for people who are using their 4-wheeler drives or dune buggies it is going to be this post-park designation where you have all of the off-roaders packed into fairly small areas and therefore have close proximity.

Mr. VENTO. That brings up another question to me, I guess. When you are done questioning me, just let me know.

Mr. HUNTER. We have got a few more to roll back at you. But I guess my question, since you asked me, Mr. Chairman——

Mr. VENTO. My point in terms of that would be that I expect that the concern is you are faced with the prospect of permitting activities and limiting the numbers, which we have had to do for some very popular wilderness areas like the Boundary Waters Canoe Area in Minnesota, which is a real challenge. It is interesting, anyone who would want to go that place that far remote and that cold where there would be a permitting process. But nevertheless, a lot of people want to. Some object to it on that basis, you know.

I expect where you have the type of population that you have in California they might be facing those types of questions with regards to utilization of resources safely, and there may be a threshold you would accomplish or get to quicker with this legislation. But it may be something that you face, in any event.

Mr. Hansen has now shown up, but he probably hasn't any questions of his colleagues.

Mr. HANSEN. Let me apologize, if I may, Mr. Chairman, to my colleagues here. I had another meeting and I got over as soon as I could. I appreciate your testimony. I have got it here. I will try and read it as soon as I can. But I would like to ask a question or two, if I may, Mr. Chairman.

Mr. Lewis, we have got these two bills in front of us at this particular time. I am given to understand that you also have a piece of legislation, which I assume will be supported by all four members of the panel. Is that a correct statement?

Mr. LEWIS. That is correct, Mr. Hansen.

Mr. HANSEN. Tell me a little about your legislation, if you would.

Mr. LEWIS. We have outlined the cost contrasts on the chart up here, Mr. Chairman. It is legislation that you have had before you before, and you have been more than kind to discuss that with me in the past. It is a reflection of the Congress-created Public Commission's review. That lands body spent 4 years taking testimony at public hearings, et cetera, et cetera, and this essentially was their product.

I might mention to you, Mr. Hansen, as well as Mr. Chairman, as a way of closing up my own testimony, at this moment I feel it is time to get to what my friends often accuse me of. It is a thing called GGS. For the vernacular, that is "good government stuff."

Mr. Chairman, it looks to me as though you and Mr. Hansen and your very staff and committee members are going to produce a product that has a chance of becoming law this year. That is going to go through the process of the conference dealing with the other body. I would really hope that this committee and your staff would take the time to close the door and sit down with the highest level personnel within BLM and the Park Service, close the door sans the other body, and ask them what they think about some of the management problems Mr. Thomas is referring to, some of the changes that could be made internally that would make this a much better bill, a much more viable product in terms of your real interests relative to the environment.

They have talked to me personally behind those doors. They are not getting a hearing in the process in the other body, in my judgment. You could be of real service if you just take those steps as you prepare to go to conference with the other body.

My bill, Mr. Hansen, is only a reflection of that long public hearing process and reflects the interests of those of us who live in the desert. I really do not expect that it will have much of a chance of moving further than this commentary today.

Mr. HANSEN. I was with you, you may recall, in Barstow, California——

Mr. LEWIS. Yes, sir.

Mr. HANSEN [continuing]. A couple of years ago. I rarely have been to such an interesting and lively hearing in my life as those.

It looked to me like thousands of people were crammed into that one building, all of them wanting to be heard. Mel Levine was chairing it, as I recall.

If I may ask a question to whoever wants to respond. As we listened to Secretary Babbitt, and no disrespect to the Secretary or anybody, but there was a lot of things brought up that fly in the face of the 1964 wilderness bill. Things such as roads especially always bothers me. It seems like we go out of our way to violate our own laws regarding roads. The issue of hunting came up, which was referred to. The issue of mining. The Secretary made a big point of the mining being illegal in many areas. I don't know if that was the word he used, but he thought they were kind of fly-by-nighters in those areas and making a mess of things. The issue of military flyovers was something that we discussed.

It really bothers me in a way. We pass laws around here like the 1964 wilderness law, and I have worked on so many wilderness bills in the years I have been here and most of them fly in the face of our own law to a certain extent. I guess that is why some people are trying to change the designation of some of our roads, for example.

Would anyone like to comment on those statements? Mr. Thomas?

Mr. THOMAS. The gentleman from Utah, in my testimony I indicate that in my area, formerly in my area in Inyo County, which is now Mr. Lewis'. We have traded it back and forth over a decade. Let me say it is the second largest geographic county in the United States and 93 percent of it is government-owned, and so they need more than just one person to help them when they are told they need even more government land.

When we were creating the Golden Trout Wilderness up in the Monache Meadows of the High Sierra we walked, we helicoptered, we went by horseback, we took sight lines, we examined areas that had been impacted by man, and we attempted to create areas which would minimize the problem of including traveled roads, paved or otherwise, developed areas, canals, running water, which are going to have to be maintained, and other activities. There are ways to mitigate these problems. For example, we cut the Domelands Wilderness Area just west of the road. There was great clamor to do it on the crest of the hill to include the road. It made no sense whatsoever if you were on site looking at the decision. But if you were somewhere else and you were blocking off acres on a map, you wanted to go to the crest line.

We were able to do this with the help of of the then national president of the Sierra Club, who is a friend of mine. We sat down and we initialed the map and we said, "This is where the line should go," because it made sense.

But you have in H.R. 518, and its companion legislation in the Senate, wholesale incorporation of a number of in-holdings and activities which will not allow a reasonable administration according to the Wilderness Act. It makes no sense if you are out to create a workable structure. It makes all kinds of sense if you are doing it for politics.

Mr. HANSEN. Thank you. I appreciate that.

Mr. Hunter, I know you spend a lot of time hunting.

Mr. HUNTER. Let's keep that off the record, Jim. [Laughter.]

Free time. Free time.

Mr. HANSEN. I won't go any further than that, except to say I am sure you have been very active in some of that particular area. The Secretary felt that the hunting in the area was minimal, even though there was a list of six or seven species that people hunted in that area and quite a few user days, so to speak.

Would you like to comment on the hunting potential of that area?

Mr. HUNTER. Sure.

Mr. HANSEN. Because that seems to be an issue that is going to come up on this bill.

Mr. HUNTER. I think this is an important issue and, yes, I like to hunt and fish, and all the Hunter boys go out and spend their spare time with dad when I can pull them away from the city and spend a little time in the outdoors. And the key is, and once again this goes back to the central theme of why hundreds of thousands of California blue collar folks like the desert. It is not because you fill up your gamebags with a tremendous amount of game, but because you have some elbow room to get out there with your kids, with your family, and spend some time.

And, in fact, the Secretary is a little bit wrong with respect to at least my district that I can speak for, because of the fact that our volunteer organizations—most of whom are hunters, incidentally—have gone out in this 120-degree heat and put in these guzzlers. They have developed these water sources for game and we now have about 300 of them in my congressional district. They have gone out and they have built them, and they have brought back a fairly sizable population of desert mule deer along with small game, rabbits, quail, et cetera. So we actually do a lot of sportsmen days now per year that are being exercised by California families, at least in my district, and the statistics I have seen with respect to the Mojave indicate the same.

But once again it is not whether or not you come back with a large trophy or you get a lot of game. It is once again the fact that a lot of folks in California can't afford to go fly fishing in New Zealand when they get some time off, unlike a lot of the proponents of this bill. And they like to be able to put the kids in the camper and drive 50 or 60 miles into the California Desert, get out with a 22, hunt for some jackrabbits with their teenage kid, and they may not get any jackrabbits, but they have got some elbow room and they have got some time to spend, and some elbow room and distance to spend with their kids, and that is what is important.

So there is hunting in the true definition of hunting, and that is, spending a lot of good quality family time with your family and friends, available in the California Desert and we should not foreclose that.

Mr. HANSEN. Mr. McCandless, do you want to respond to any of those issues?

Mr. MCCANDLESS. You talked about roads and that is a very sensitive subject with me, because it is difficult to define in this bill proper usage of what I consider to be established desert roads. It is my understanding and memory that if a road is not maintained by some type of device, apparatus or piece of equipment on a regu-

lar ongoing basis, that it is not to be considered as a recognized thoroughfare or road to get from one point to the other.

The Southern California Desert began with these desert roads, as we call them, when they used teams of horses and buggies to come west with wagons, and when the stagecoaches traversed back and forth. From that came then the automobiles, and now it is called Interstate 10 from Phoenix to Indio to Los Angeles. And off Interstate 10 are many private holdings of property that are used for recreational purposes, but in many cases these roads because of their characteristics are determined to be not applicable as they go through certain terrain, and therefore that terrain shall be considered wilderness eliminating the availability, or accessibility, I should say, from a main thoroughfare, be it interstate, a State, or a county road into where their property is owned, because of the type of road involved.

This is an area that really should be addressed in this bill, to permit access to major portions of private property.

Mr. HANSEN. Thank you. I appreciate the comments from all of you gentlemen. Just let me say respectfully, in my years on this committee I think the people who really get snookered on wilderness are those people who want access. When you get right down to it access becomes the key. Having been the author of the one wilderness bill in the State of Utah and working on others, people who feel they can walk into a wilderness area or drive into one are kidding themselves.

We passed the 1984 Utah wilderness bill on Forest Service. I still remember my office was flooded with calls from people in Utah that said, "I can hardly wait to get into that wilderness area with my RV." What a shock for a lot of folks, if I may say so.

Thank you, Mr. Chairman. I appreciate the time.

Mr. VENTO. Thank you, gentlemen. I appreciate your participation this afternoon.

Mr. LEWIS. Thank you, Mr. Chairman.

Mr. THOMAS. Mr. Chairman, thank you very much.

Mr. MCCANDLESS. Thank you for your indulgence.

Mr. HUNTER. Mr. Chairman, I had some information I referred to. Could we put that in the record?

Mr. VENTO. Submit it and we will look at it.

Mr. HUNTER. Okay. Thank you very much.

Mr. VENTO. Mr. Hansen and I will make a decision on it. Thank you very much.

PANEL CONSISTING OF BILL HORN, THE WILDLIFE LEGISLATIVE FUND OF AMERICA; ELDEN HUGHES, DIRECTOR, DESERT PROTECTIVE COUNCIL; DAVID J. SIMON, NATURAL RESOURCES PROGRAM MANAGER, NATIONAL PARKS AND CONSERVATION ASSOCIATION; AND A. AARON MEDLOCK, ESQ., DIRECTOR OF LEGAL AND LEGISLATIVE AFFAIRS, THE FUND FOR ANIMALS

Mr. VENTO. We have a second panel here this afternoon. Leading off is the former Assistant Secretary of Interior, Mr. Bill Horn, Wildlife Legislative Fund of America he represents now; Elden Hughes, the Desert Protective Council; David Simon, the National Parks and Conservation Association; Aaron Medlock, The Fund for

Animals. We want to thank them all for their patience and for their participation again in a hearing on the California Desert.

Your statements have been made a part of the record in their entirety. What I would like each of you to do is to try and summarize your statement in about 5 minutes. We are about halfway through the number of witnesses right now, but admittedly there are quite a few Members of Congress that participated and it takes a little longer for them to conclude remarks than for anyone else. I think that is because of the tough limits we operate under in the House in terms of time. So if you give them a little leeway they tend to use it and use it well.

Mr. Horn, welcome back in your new role.

STATEMENT OF BILL HORN

Mr. HORN. Thank you, Mr. Chairman. It is a pleasure to be back before the subcommittee, and I have the pleasure and honor to appear today on behalf of the sportsman coalition consisting of the Wildlife Legislative Fund of America, the National Rifle Association, the Congressional Sportsman Caucus Foundation, Safari Club International, United Conservation Alliance, the Foundation for North American Wild Sheep, and the Foundation for North American Big Game. This coalition represents millions of American sportsmen nationwide and in California. It urges the subcommittee to adopt an amendment to pending legislation to change the designation of the Mojave area from a proposed national monument or park to a 1.5-million-acre national preserve. National preserve designation within the national park system has been used in Alabama, Alaska, Florida, and Texas to protect important ecosystems and allow hunting and wildlife management activities to continue.

Designating the Mojave area a national preserve under National Park Service management will conserve the natural values of the area and enable important hunting and wildlife management activities to continue. And, as the committee may know, the preserve designation was specifically created by this committee in the early 1970s to facilitate hunting and to provide for wildlife conservation activities, and adopting a preserve amendment for the Mojave area would enable the subcommittee to act consistent with 20 years of legislative precedent.

The amendment that we have proposed also includes language specifying that the California Department of Fish and Game would continue to regulate the wildlife management, including hunting, in the Mojave National Preserve, and this language is similar to provisions of law previously adopted in Alaska, Florida, Alabama, and Texas involving the other preserve units.

Let me also add that the California Department of Fish and Game continues to believe that BLM management of the Mojave best serves its wildlife management interests but has stated in a recent letter that the preserve alternative is more consistent with its wildlife management objectives and goals than would be Park or Monument designation, and I would like to submit a copy of that letter, dated June 11th, to the clerk for inclusion in the record.

Mr. VENTO. Yes. Without objection, it will be included.

Mr. HORN. Thank you.

[The letter follows:]

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090

June 11, 1993

The Honorable Dianne Feinstein
United States Senate
Hart Senate Office Building, Suite 331
Washington, D.C. 20510

Dear Senator Feinstein:

The California Department of Fish and Game is vitally interested in the protection of the southern California desert. For many years, our staff has worked with the public, land owners, and other State and Federal agencies to manage and protect the fish, wildlife, and native plants that live there, while increasing our scientific knowledge of the living desert.

I believe that your bill S.21, the Desert Protection Act of 1993, offers a means to further safeguard the California desert, but I am concerned that neither our Department's important efforts at scientific research and managing wildlife be foreclosed nor the hunting public be shut out of this region we have historically used. This is particularly critical in the East Mojave and expansions of Death Valley.

Maintaining healthy wildlife populations in this desert environment requires active, not passive, management, and hunting is integral to that management. Protection for the desert should more adequately provide for compatible recreation and the management of wildlife. For these reasons we urge that the Bureau of Land Management (BLM) retain jurisdiction over the East Mojave and the Hunter Mountain/Last Chance Range expansions of Death Valley, or at a minimum you consider "National Preserve" status for these areas.

We have to gain access into the desert to benefit its habitat. Some natural springs have been damaged by concentrations of wild burros and invaded by salt cedar, a nonnative plant that consumes considerable water. Our Department has cooperated with the BLM and private organizations, such as off-highway vehicle clubs, environmental groups, private landowners, and hunting clubs, to restore and improve these springs and to build numerous rain catchment basins, or "guzzlers." These water sources are vital to all wildlife in the desert, to the game species that are hunted--deer, bighorn sheep, quail, and chukar partridge, for example--and to those that are not, such as neotropical birds, reptiles, and raptors. There are

now 771 such water sites for wildlife in San Bernardino County, and their periodic repair requires heavy cement bags and equipment that cannot be carried in on foot. Much of this effort has come from volunteers and private donations that from 1969 to 1992 totaled more than 22,000 days of labor and materials worth nearly $1.5 million.

Because of our active management in the desert, the bighorn sheep has come back from its low levels of the early 1900s to the viable population that Californians enjoy today. For the past twenty years, we have worked with the BLM, the military, and many private conservation and hunting organizations to build catchment basins to replace degraded springs and to capture bighorn sheep to reestablish populations in historical habitats from which they had long been gone.

The bighorn sheep population in the Old Dad Mountains of the East Mojave is our source stock for reestablishing sheep populations elsewhere in their historic range. From this productive herd we have captured and relocated more than 200 bighorn sheep safely, efficiently, and with minimum disturbance to the desert, because we have been able to use vehicles and helicopters. I am concerned that National Park wilderness status for the East Mojave could severely curtail what has been a real success story in bighorn sheep management.

I am also deeply concerned with preserving hunting in the East Mojave and elsewhere. Hunters in California may appear to have huge territories in which to hunt, but the reality of population growth and recreation demands in this State makes it increasingly more difficult for the hunting public to enjoy a day in the field. In the East Mojave and the Death Valley expansions into Hunter Mountain and Last Chance Range, where the imprint of hunters has been hardly noticeable and their contributions to wildlife considerable, hunters could be sealed off from a vast region in which hunting is compatible with desert preservation. That spirit of conservation must not be dampened by closing off these areas to hunting.

For decades this rugged country has provided the public with some fine upland game hunting--particularly quail, chukar, dove, and rabbit--as well as deer and, in recent years, bighorn sheep. The hunters, in turn, give a boost to local restaurants, motels, and gas stations. In the East Mojave, for example, upland game hunters have spent more than 110,000 recreations days annually. Because our management has helped bring back bighorn sheep, we have been able to offer some limited sheep hunting, the permits for which have produced more than $500,000--all used to expand populations of bighorn sheep.

I want to assure you that the Department and the California Fish and Game Commission closely regulate hunting. Through hunting seasons, bag limits, big game permits, and the vigorous enforcement of all hunting laws and regulations, we help insure conservation of both wildlife and the privileges of the hunting public.

Certainly the more difficult hurdle both for hunting and our Department's ability to continue scientific study and manage wildlife there is the placing of the East Mojave and the Hunter Mountain/Last Chance Range expansion of Death Valley under the jurisdiction of the National Park Service (NPS) rather than the Bureau of Land Management. Through tradition and law, the NPS has excluded hunting in the National Parks and not looked favorably upon active State wildlife management of lands under its jurisdiction.

It is my understanding that Congress has made exceptions to this, however, in the NPS category of "National Preserves." While we would prefer that jurisdiction of the East Mojave Wilderness and of the Hunter Mountain/Last Chance Range expansions of Death Valley remain in the BLM, I would urge that you consider "National Preserve" status as a possible alternative, with explicit language that preserves hunting and our continued access for carrying out our responsibilities for scientific research and wildlife management. In all BLM wilderness areas, we need similar language to guarantee our access to conduct research and manage wildlife.

I do want to reassure you that this Department is dedicated to protection of the desert ecosystem. Continued hunting in, and this Department's access to, this region is in harmony with that important goal

I will be pleased to work further with you and your staff to ensure the best ways to further wildlife conservation through this landmark legislation.

Sincerely,

Boyd Gibbons
Director

BG:vp

Mr. HORN. Let me add that there is a strong tradition of hunting in the East Mojave. In 1991, sportsmen hunted, among other species, dove, quail, chukar partridges, jackrabbit, cottontail, coyotes, bobcats, deer, and bighorn sheep. California Department of Fish and Game estimates sportsmen spent nearly 170,000 hunter days in the East Mojave, a not insignificant amount of effort. And it should be noted that largely because of the effects of the recent persistent drought in the area these numbers and hunter days are well below the long-term average. The State expects that with the end of the drought the numbers of hunters and days will stabilize and likely increase, and a summary of hunting effort has been attached to my statement.

Hunters in California may appear to have vast areas in which to hunt, but the reality of population growth and recreation demands in Southern California make it increasingly difficult for the hunting public to enjoy a day in the field, especially on their public lands. National Park or Monument designation of 1.5 million acres in the Mojave will only exacerbate this problem. In contrast, Preserve designation will seek to maintain existing opportunities.

Let me conclude by adding that hunting and wildlife management have been a key, integral part of activities in the California Desert for many years without any adverse effects on the natural resources that the various pending bills seek to protect. National Preserve status will enable these important traditional activities to continue while providing protection to other natural resources and values. There is no reason not to designate the Mojave region a National Preserve unless a primary objective of pending legislation is to simply stop hunting.

Thank you, Mr. Chairman.

Mr. VENTO. Thank you.

[Prepared statement of Mr. Horn and attachment follow:]

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

National Affairs Office
1000 Connecticut Avenue, N.W.
Suite 1202
Washington, D.C. 20036
202/466-4407 FAX 202/466-8727

Statement by

The Wildlife Legislative Fund of America

regarding

H.R. 815, the
"California Desert Protection Act"

before the

U.S. House of Representatives
Committee on Natural Resources,
Subcommittee on National Parks, Forests and Public Lands

June 15, 1993
Washington, D.C.

The Wildlife Legislative Fund of America (WLFA) and a coalition of other wildlife management groups including the National Rifle Association of America (NRA), the Congressional Sportsmen's Caucus Foundation, Safari Club International (SCI), United Conservation Alliance (UCA), the Foundation for North American Wild Sheep (FNAWS), and the Foundation for North American Big Game oppose H.R. 518, the California Desert Protection Act in its present form. The legislation is overprotective and severely limits recreational opportunities in the desert, especially as they relate to wildlife management in the California Desert.

H.R. 518 would expand the Death Valley and Joshua Tree National Parks and establish the Mojave National Monument, affecting approximately 5.5 million acres of the California Desert. Hunting is traditionally prohibited in Parks or Monuments.

The coalition supports an amendment to H.R. 518 to change the designation of the Mojave area from a National Monument to a National Preserve. National Preserve designation within the National Park System has been used in Alabama, Alaska, Florida and Texas to protect important ecosystems and allow hunting to continue. In the past, it has been argued that allowing hunting in a Mojave National Park or Monument would be a precedent-setting measure to open other National Park units to hunting (please note that hunting is already allowed in a significant number of Parks and Monuments). Designating the Mojave a National Preserve will conserve the natural values of the area and enable important hunting activities to continue. The Preserve designation was specifically created by Congress in the 1970's to facilitate hunting and to provide for wildlife conservation.

The amendment supported by the coalition will also include language specifying that the California Fish and Game Department continue to regulate the wildlife management (including hunting) in the Mojave National Preserve.

There is a strong tradition of hunting in the East Mojave. In 1991, sportsmen hunted dove, quail, chukar, jackrabbit, cottontail, coyotes, bobcats, deer and big horn sheep. The California Fish and Game Department issued 18,937 licenses for the area and it estimates sportsmen spent 169,300 "hunter days" in the East Mojave. It should be noted that largely because of the effects of the drought in this area, these numbers and hunter days are well below long term average. The State of California expects that with the end of the drought the numbers of hunters and days will stabilize and might even increase. The complete summary is attached to this testimony.

Hunters in California may appear to have vast areas in which to hunt, but the reality of population growth and recreation demands in Southern California make it increasingly difficult for the hunting public to enjoy a day in the field. National Park designation of the Mojave will only exacerbate this problem.

H.R. 518 must be amended to designate the Mojave region as a Preserve to provide for the employment of sound scientific wildlife management programs and conservation efforts. Such an amendment will ensure that vital wildlife resources of the California Desert as well as the public that uses and enjoys these resources will continue to benefit from successful management programs. Hunting and wildlife management have been a key part of activities in the California Desert for many years without any adverse affects on the natural resources H.R. 518 attempts to protect. National Preserve status will enable these important traditional activities to continue while providing protection to other natural resources and values. There is no reason not to designate the Mojave region a National Preserve unless the primary objective of H.R. 518 is to stop hunting.

WLFA is an association of sportsmen-conservation organizations established to protect the heritage of the American sportsman to hunt, fish and trap. Through its associated organizations, WLFA represents an aggregate membership of more than 1.5 million sportsmen-conservationists, many of them in California.

The NRA is a 3.2 million member organization whose programs and policies help provide for hunter education and training, access to hunting lands, and support for professional wildlife management.

The Congressional Sportsmen's Caucus Foundation is dedicated to preserving and promoting traditional hunting and fishing.

SCI is a worldwide hunting and conservation organization. SCI has more than 114 chapters in fifteen countries. SCI represents more than one million sportsmen and women through membership and affiliated organizations. Headquartered in Tucson, Arizona, the bulk of SCI's membership is in the United States. In the past eighteen years, SCI has contributed over nine million dollars for programs that have directly enhanced the professional management of the world's renewable wildlife resource including over $900,000 this year alone. SCI conducts a nationally accredited and conservation education seminar known as the American Wilderness Leadership School (AWLS), is founder of "Sportsmen Against Hunger" (a humanitarian conservation effort funded by the sportsmen of our organization which provides wild game meat to soup kitchens for those people that are in need of a hot meal) and operates the International Wildlife Museum located in Tucson, Arizona.

UCA is a national coalition of outdoor industry organizations working for the continuation and increase of public acceptance of hunting, fishing and other responsible wildlife management strategies.

FNAWS was organized in 1976 to promote the management, the enhancement and the increase of populations of all indigenous species of North American Wild Sheep, and to take all steps necessary to protect such species from population decimation and extinction.

Summary of Wildlife Management Related Data for the East Mojave Desert

It should be noted that largely because of the effects of the ongoing drought in this area, the following hunter numbers and effort are currently well below long term averages. With the recent rains, we should expect a stable, if not increased number of hunter and days.

Hunter Numbers and Effort for 1991 in East Mojave Desert

Game Animal	Hunter Numbers	Hunter Effort (days)	Bag
Dove	5,000	20,000	73,000
Quail	7,000	54,000	87,000
Chukar	2,000	9,000	6,000
Jackrabbit	3,000	30,000	24,000
Cottontail	3,000	24,000	19,000
Coyotes	1,300	32,000	4,000
Bobcat	130	300	?

Deer Hunting in Zone D-17 (all within East Mojave)

Year	Number of Permits	Harvest	Percent of Success
1987	* 500	15	3
1988	* 500	29	6
1989	* 500	29	6
1990	* 500	26	5
1991	500	31	6
1992	500	45	9

* The Inyo Mountains were included in Zone D-17 prior to the 1991 Season. It was estimated that approximately half of the total 1,000 permits hunted in the current boundaries

Big Horn Sheep Hunting in the East Mojave (Marble and Kingston)

Year	Number of Permits	Harvest	Percent of Success
1987	5	5	100
1988	5	5	100
1989	6	6	100
1990	4	4	100
1991	5	5	100
1992	7	7	100

Mr. VENTO. Mr. Hughes, please proceed with your statement for about 5 minutes.

STATEMENT OF ELDEN HUGHES

Mr. HUGHES. I am Elden Hughes, a director of the Desert Protective Council, which is a 40-year-old environmental organization focused solely on the desert. I am third-generation Californian. Six of my great grandparents were running cattle in California in the 1860s, and I was raised on the cattle ranch with a strong tradition of hunting. I have been hunting in California and other Western States for 45 years. Yet my first memory in life is the Yosemite Valley and a deer that was so tame that my parents had to hold me back. I was not quite three.

There is a proper place for both hunting and national parks. It is just that both should not share the same piece of ground. When I hunt in a national park it is with a camera and I do not want the animals to view me as a predator. When I hunt with my .257 Roberts I do not want the animals to be as tame as cows. I note your previous comment on what should be hunting what.

I and my sons have taken the NRA Hunter's Safety course, and I have been a member of the NRA much of my adult life. I quit when the NRA took policy positions against Parks and designated wilderness. Shame on them!

My favorite deer hunting area in Utah has been ruined by "yahoos" on ATVs. Only wilderness designation will save Utah hunting. Sure we will all have to work harder to get where we want to go, but where we want to go will be worth getting to.

In California the NRA is focusing on the Mojave National Park. They say there should be no loss of hunting opportunity. Ah, come on! One rural road in Lassen County removes more hunting opportunity than all of the Mojave National Park.

Let's state the issue straight. The NRA wants to open all National Parks to hunting. That flat out should never be allowed to open. Failing that the NRA wants to kill the Mojave National Park. That too should not be allowed to happen.

The resources of the East Mojave are park quality resources with vast vistas, extraordinary scenery, deep limestone caves, rare singing sand dunes which are the third highest in North America, and a treasury of natural biodiversity. The hunting resources of the East Mojave—and I have hunted it—are poor deer hunting, about 25 deer per year. I bet you get more roadkills in every county in Minnesota than that. There are 4 to 5 permitted bighorn sheep per year, and for the last decade poor bird hunting. "Yahoos" on ATVs chasing rabbits don't count.

There are answers. The Old Dad Mountain can continue to serve as a nursery for bighorn sheep. Such hunting can continue outside the park. After passage of the California Desert Protection Act the Bureau of Land Management will be managing 10.5 million acres of the California Desert, of which 4 million will be designated wilderness. If the BLM truly manages this vast land for wildlife, for protecting the springs and not allow the overgrazing that removes the protective cover, we can have twice as much hunting in the California Desert and still have a national park with no hunting.

I have been in every proposed wilderness area in the California Desert. I have been hiking for decades the area which will become the Mojave National Park. The California Desert Protection Act is a well-crafted law. It rightfully has the Mojave National Park as its centerpiece. It solves boundary problems and rounds out the ecological zones for Death Valley and Joshua Tree National Monuments and makes them national parks. It designates 4 million acres of BLM wilderness spread across the entire 25 million acre California Desert. It is a worthy answer to the management of very worthy resources. It is a proper mix of park, no hunting and BLM wilderness hunting.

Thank you.

Mr. VENTO. Thank you, Mr. Hughes.

[Prepared statement of Mr. Hughes follows:]

THE DESERT PROTECTIVE COUNCIL, INC.

A NON-PROFIT ORGANIZATION

To safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual and recreational value and to educate by all appropriate means children and adults to a better understanding of the desert.

Testimony of Elden Hughes

Director, Desert Protective Council

before the

National Parks, Forests and Public Lands Subcommittee

of the

House Natural Resources Committee

June 15, 1992

I am Elden Hughes, a director of the Desert Protective Council which is a 40 year old environmental organization focussed solely on desert issues.

I am a third generation Californian. Six of my greatgrandparents were running cattle in California in the 1860's. I was raised on a cattle ranch and my father passed on to me a strong family tradition of hunting. I have been hunting in California and other Western states for 45 years.

Yet, my first memory in life is the Yosemite Valley and a deer so tame my parents held me back. I was not quite three.

There is a proper place for both: hunting and National Parks. It is just that both should not share the same piece of ground. When I hunt in a National Park it is with a camera and I do not want the animals to view me as a predator. When I hunt with my .257 Roberts I do not want the animals to be as tame as cows.

I and my sons have taken the NRA (National Rifle Association) hunter safety course and I have been a member of the NRA much of my adult life. I quit when the NRA took policy positions against parks and designated wilderness. Shame on them!

My favorite deer hunting area in Utah has been ruined by yahoos on ATV's (All Terrain Vehicles). Only wilderness designations will save Utah hunting. Sure, we'll all have to work harder to get where we want to go, but where we want to go will be worth going to!

In California, the NRA is focusing on the Mojave National Park. They say, "There should be no loss of hunting opportunity." Ah, come on. One new rural road in Lassen County removes more hunting opportunity than all of Mojave National Park.

Let's state the issues straight. The NRA wants to open all National Parks to hunting. That flat out should never be allowed to happen. Failing that, the NRA wants to kill the Mojave National Park. That too should not be allowed to happen.

The resources of the East Mojave are park quality resources with vast vistas, extraordinary scenery, deep limestone caves, rare "singing" sand dunes which are the third highest in North America, and a treasury of natural biodiversity.

The hunting resources of the East Mojave are poor deer hunting (about 25 per year), 4 or 5 permitted bighorn sheep per year, and for the last decade poor bird hunting. Yahoos on ATV's chasing rabbits don't count.

The Old Dad Mountain can continue to serve as a nursery for bighorn sheep. Such hunting can continue outside the Park. After passage of the California Desert Protection Act, the Bureau of Land Management will be managing 10.5 million acres of the California Desert of which 4 million will be designated wilderness. If the BLM truly manages this vast land for wildlife by protecting the springs and not allowing the overgrazing that removes the protective cover, we can have twice as much hunting in the California Desert and still have a National Park with no hunting.

I have been in every proposed wilderness area in the California Desert. I have been hiking for decades the area which will become the Mojave National Park. The California Desert Protection Act is a well crafted law. It rightfully has the Mojave National Park as its centerpiece. It solves boundary problems and rounds out ecological zones for Death Valley and Joshua Tree National Monuments and makes them national parks. It designates 4 million acres of BLM wilderness spread across the entire 25,000,000 acre California Desert. It is a worthy answer to the management of very worthy resources. It is the proper mix of Park (no hunting) and BLM Wilderness (hunting).

Mr. VENTO. Next, we want to hear from David Simon from the National Parks and Conservation Association.

STATEMENT OF DAVID J. SIMON

Mr. SIMON. Good afternoon, Mr. Chairman, members of the subcommittee. On behalf of NPCA's 350,000 members I am privileged to appear here this afternoon.

Of course you know of NCPA's strong support for H.R. 518, and we do urge Congress to enact the bill without delay. Given the extensive public hearing record on the legislation, I will just focus today on the portions of the bill that focus on the three park proposals. And I would like to just focus in specifics on why and who are affected in this legislation.

I think we need note that the public demand for parks and recreation lands in this country is strong and still growing. I view H.R. 518 as essential to the protection of America's heritage, and it really does reflect the wishes of the American people. Extensive amounts of polling data have shown us that over two-thirds of Americans clearly have stated their preference to set aside additional national park land. Support for this legislation in California amounts to some 19 million Californians, represented by some of the largest cities in California and I think it is quite clear from the three polls that have been in California as well as the tremendous benefits that will accrue to the megalopolis, really, between the Los Angeles area and the Las Vegas area, just what a significant recreational resource this will be and will continue to be for generations of Americans.

In a sense, I really view this legislation as being pro-family recreation, better resource protection, more emphasis on interpretation for visitors, instead of just managing the Mojave and other areas for commodity users. That is truly pro-family recreation.

I think in terms of qualifications of the designations clearly Death Valley, Joshua Tree and the East Mojave fully qualify for national park and monument status. We strongly support the expansions of Joshua Tree and Death Valley. And in terms of the manageability question, I just have to go back to the fact that I believe cooperation between the agencies can resolve many of the conflicts and concerns that were raised by the other gentlemen who represent the desert region, and there is ample opportunity for transfer facilities, joint management, use of facilities, and I believe the Park Service when given adequate resources clearly has the resources and the expertise to do the job. These changes would make these two parks world-class parks with real ecological boundaries.

In terms of the Mojave, which is clearly a central portion of the bill, it seems problematic but really it should not be. Mojave clearly deserves National Park status. This has been stated by both BLM and Park Service planning teams. NPCA has come to this conclusion a little bit differently than other supporters of this legislation. We came to this conclusion after fully supporting the designation of the National Scenic Area and watching that attempt go forward for a decade. Many critics of this legislation also point to some of the "conflicting uses" in the East Mojave area that would perceive to disqualify it for park status, but I just have to point out that these uses, grazing, some of the mining concerns, utilities, really

are things that would be dealt with adequately over the long term. I just have to go back to point out the story, for example, of Shenandoah National Park, an area that is now congressionally designated wilderness that was reclaimed after a massive history of human use and abuse. I think it would be a real shame if we didn't seize the opportunity to secure this legacy for future generations over time, and Mojave would be a tremendous National Park resource for Americans.

I want to touch for a moment on the hunting question. The details of hunting and the amount of it you have heard in adequate amounts. I do think, though, that there are a couple other things to point out. First of all, issues like transplantation or use of park animals for reintroduction in other areas, which is a concern to some members of the hunting public, are perfectly permissible under existing park regulations as are the continued maintenance of guzzlers. The Park Service has policies to continue those activities.

Second of all, I think that there is a very, very clear difference between Park and Preserve designation, and I think the Preserve idea clearly is one idea that does deserve a bullet. Preserves have been shown over the past couple of decades or so in many respects have turned out to be "push me, pull yous." They build into these park areas difficult management questions that are often unresolvable. They may even increase costs to the Park Service in doing its job. And I think the preponderance of evidence points that the Mojave is clearly qualified and we should make no equivocation in designating that unit.

Preserve designation often is the first step on a slippery slope that will lead to future concessions or future uses in this area that will only degrade its quality.

In sum, I do believe on the hunting question this bill is balanced. There is ample hunting opportunity preserved elsewhere, and the preponderance of evidence shows that Americans would like their national park units free of hunting. A recent poll we conducted along with some of our fellow conservation organizations in February of this year showed that by a 4-to-1 margin Californians favored park status for the Mojave without hunting, and, in fact, 66 percent of the households with hunters in them shared this view. And remarkably, Mr. Chairman, these figures were really consistent across all demographic groups that were sampled, including gender, age, political ideology, ethnic background, household income—if the blue collar vote is a concern here—educational levels, and even residence area in California.

In conclusion, we urge the swift adoption of the Act. We all need the certainty of a comprehensive solution and the time for action is now.

Thank you.

Mr. VENTO. Thank you, Mr. Simon.

[Prepared statement of Mr. Simon follows:]

National Parks
and Conservation Association

STATEMENT OF DAVID J. SIMON
NATURAL RESOURCES PROGRAM MANAGER
NATIONAL PARKS AND CONSERVATION ASSOCIATION
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
ON H.R. 518
THE CALIFORNIA DESERT PROTECTION ACT of 1993
JUNE 15, 1993

Mr. Chairman and members of the subcommittee, my name is David J. Simon. I am the Natural Resources Program Manager for the National Parks and Conservation Association (NPCA), a nonprofit citizens' organization dedicated to the protection and enhancement of the National Park System. On behalf of the National Parks and Conservation Association's 350,000 members, I am pleased to present our views on H.R. 518, the California Desert Protection Act of 1993.

Enactment of the California Desert Protection Act is a top priority for NPCA. Comprehensive measures to protect the finest lands in the California Desert are among the most significant pieces of public lands legislation to be debated since the Alaska National Interest Lands Conservation Act (ANILCA).

NPCA commends Representatives Lehman and Miller, the 68 co-sponsors of H.R. 518, other public officials, and the thousands of citizens who have actively promoted the California Desert Protection Act (CDPA). They have courageously advanced a vision for the California Desert that will preserve its fragile, irreplaceable qualities for generations to come.

This legislation already has been the subject of numerous hearings and an enormous amount of scrutiny by Congress. The House of Representatives passed legislation similar to H.R. 518 in 1991 by an overwhelming margin. We recommend that Congress move swiftly to enact H.R. 518.

My testimony will focus on four important points concerning the portions of bill that pertain to the expansion of Joshua Tree and Death Valley national monuments, and the designation of Mojave National Monument.

1. **Enactment of H.R. 518 is essential to the protection of America's heritage and reflects the wishes of the American people.**

The California Desert Protection Act is absolutely vital to protecting one of the most diverse arid landscapes in the world, and for maximizing the opportunities for education, research, and public recreation.

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The CDPA responds to a grave reality: There is a steadily accelerating degradation of the California Desert environment. There is an urgent need now for Congress to protect key areas that deserve National Park System status, and also to enhance protection of desert areas that remain under Bureau of Land Management (BLM) responsibility.

Public Demand for National Parks and Recreation Lands is Strong and Still Growing

The National Park System constitutes an unrivaled legacy that is fundamental to the quality of American life. Parks preserve the best of our natural and cultural heritage and are the places for renewal and re-creation. Our parks reflect what is highest and best about America.

In recent years, major reports from both inside and outside government have outlined the moral, social, and ecological imperatives of conserving a greater portion of the American landscape. The 1987 report of the President's Commission on Americans Outdoors (PCAO), for example, underscored the basic observation that quality outdoor recreation depends on healthy resources. Protecting those resources must be our foremost task. The CDPA makes resource protection the top priority; H.R. 518 recognizes that our fragile desert lands are no longer protected by their remoteness.

All indicators show that public demand for parkland and high-quality, outdoor recreation opportunities is growing. In the 75 years since the founding of the National Park Service (NPS), visitation to the parks has outstripped the growth in America's population. Since 1950, visitation to the National Park System has increased tenfold.

In 1990, the national parks received more than 250 million recreational visits. By 2000, this number is projected to rise to over 350 million, and by 2010 it will perhaps reach nearly a half-billion. A recent national poll conducted by Citicorp found that 68 percent of adult Americans surveyed had visited a national park, and 69 percent intended to go to one in the future. Total visitation to Joshua Tree National Monument, Death Valley National Monument, and the East Mojave already exceeds two million annually.

One of the most logical ways of responding to the public's love affair with the national parks, and to the clear will of the American public to build our legacy of parks, is by designating new national parks. The same Citicorp poll showed that more than two-thirds (68 percent) of Americans want "more land put aside" in the future for national parks.

The 1986 PCAO report also concluded that our greatest recreation needs are near urban areas: "Increasingly, outdoor recreation occurs close to home, in or near towns and cities where 80 percent of us will soon live. So, more and more, the solutions must be found close to home."

The CDPA is an ideal opportunity to implement this strategy since the national parklands in H.R. 518 will serve and benefit large segments of the population. The California Desert is accessible by major interstate highways and road networks. The lands protected by H.R. 518 are within a day's drive of California's 30 million people. To the west is the Los Angeles-San Diego megalopolis, one of the nation's largest urban areas. To the east is Las Vegas,

the nation's fastest growing urban area. Establishing Mojave National Monument would also take some of the pressure off Joshua Tree, the most accessible of the park areas to urban populations. This proximity to so many Americans makes the California Desert both vulnerable and precious.

2. Death Valley, Joshua Tree, and East Mojave fully qualify for national park and monument status.

Assessments by both BLM and NPS professionals ("BLM Application of NPS Criteria to Lands in the California Desert," 1979; "NPS Resource Assessment for Features Proposed in the California Desert Protection Act," 1989) concluded that the proposed additions to Joshua Tree, Death Valley, and the East Mojave area, meet the criteria for national parklands, and that these areas would be desirable additions to the National Park System.

Expansion of Death Valley and Joshua Tree National Monuments

H.R. 518 would enlarge Death Valley and Joshua Tree national monuments substantially by adding contiguous lands that have important scenic, geological, ecological, and cultural values. We support the additions proposed in H.R. 518. These additions will also create more manageable units by realigning boundaries based on ecological factors and identifiable features on the land, not straight section lines. Competing proposals that rely on BLM recommendations would make only minor boundary adjustments, would add only 7 percent of the qualified lands to these monuments, and would not designate them as national parks.

Joshua Tree National Monument

H.R 518 would expand the existing Joshua Tree National Monument by approximately 245,000 acres and would upgrade this unit's classification from national monument to national park. With its size, wide diversity of ecosystems, outstanding scenery, and varied cultural and recreational values, the expanded Joshua Tree National Monument fully qualifies for national park status.

Additions to Joshua Tree proposed in H.R. 518 include approximately 245,000 acres in four separate areas: the Coxcomb, Eagle, Little San Bernadino, and Pinto mountains. The proposed additions encompass wildlands that were formerly within the national monument, which was established in 1936. Those lands were deleted in 1950 under an assumption that they contained valuable mineral resources. Since this assumption has not proven to be true for lands in the Coxcomb and Eagle mountains, and mining operations there are now defunct, we believe that these scenic areas should be returned to the National Park System. Fortunately, most of the originally deleted lands were never mined and retain their pristine condition.

One of the most dramatically beautiful of the proposed additions to Joshua Tree is an area of weather-sculpted rock formations in the Coxcomb Mountains. In addition, the proposed additions are extremely valuable habitat for bighorn sheep and other native wildlife.

The proposed Joshua Tree additions would generally follow natural ecological boundaries and include portions of mountain systems, such as the Coxcombs, which are already partially in the monument. The changes will enhance dramatically the manageability of boundaries by shifting them from straight section lines that have no relationship to on-the-ground management concerns and ecological realities, to identifiable features such as roads, powerline corridors, and other features.

For example, the southwest corner of the monument is currently configured like a "stair step," because it is based on township lines. The proposed addition of lands in the San Bernadino Mountains will align the park boundary along the Colorado River Aqueduct, a prominent landscape feature. This realignment will ease management in an area of the monument that is now difficult to patrol.

Death Valley National Monument

H.R. 518 upgrades the existing Death Valley National Monument to national park status and expands the park by approximately 1.3 million acres. Without question, Death Valley already qualifies for, and deserves, designation as a national park. The existing monument contains a vast array of scenic, biological, and cultural resources and encompasses lands of fantastic contrast. With expansion under H.R. 518, virtually all the dramatic features of Death Valley will be fully protected and the area will constitute a world-class natural area befitting the title "national park."

The expansion includes the northern end of Death Valley itself -- an important area that has been arbitrarily excluded from the monument since its establishment in 1933. Other outstanding and worthy additions include the southern end of Eureka Valley with its spectacular Eureka Dunes, the rugged Last Chance range, the awesome wilderness of Saline Valley, and the northern part of Panamint Valley and its beautiful, unspoiled Panamint Dunes; all of these lands located around the northern part of Death Valley National Monument.

In its 1979 report, the BLM particularly acknowledged the qualification of the Eureka-Saline area for National Park System status:

> The Eureka-Saline complex contains an astounding variety and quality of natural and cultural resource values. Application of National Park Service criteria of park evaluation, and analyses of natural and cultural resource themes represented by the area lead one to the unavoidable conclusion that the area qualifies for inclusion into the National Park System as a National Park, or as an addition to Death Valley National Monument.

The section of the Owlshead Mountains lying just outside the southern end of the monument, as well as parts of the Funeral and Greenwater mountains to the east, are also crucial additions. Some of these, and other key additions, would appropriately adjust stretches of the park's boundary away from straight section lines and onto identifiable topographical features of the land.

I would also like to respond to the opinion that the additions to Death Valley and Joshua Tree national monuments exceed the amount of land areas that can be effectively managed by the National Park Service. The National Park Service currently manages units ranging in size from less than one acre to the 13 million-acre Wrangell-St. Elias National Park and Preserve. The National Park System includes numerous units that are larger than the proposed parks for Joshua Tree and Death Valley. The NPS has the professional experience to do the job that Congress asks of it, as long as the NPS is provided adequate resources.

Mojave National Monument

NPCA strongly endorses establishment of Mojave National Monument. The California Desert Protection Act will give the area both the highest possible protective status, and the greatest national recognition of any land designation option. This action is urgently needed if the East Mojave is to be afforded the level of protection and resource stewardship that it deserves.

Professionals within both the BLM and the NPS concluded in 1979 and 1987 that the existing 1.5 million-acre East Mojave National Scenic Area (EMNSA) is worthy of national park status. The BLM Desert Planning staff concluded in 1979 that

> [C]ultural and natural resources of the East Mojave Study Area are so diverse and outstanding that the area readily qualifies for National Park or Monument status.

In 1987, the Western Region of the National Park Service concluded that

> [T]he proposed Mojave National Park meets the three new unit criteria specified in NPS Management Policies and would be a worthy and valuable addition to the National Park System....We recommend its addition to the National Park System.

The grand expanse of desert combines a wide variety of natural assets -- notably an array of 16 boldly upthrusting mountain ranges, the second highest sand dunes in the country (Kelso Dunes), and extensive areas of scenic geological formations and volcanic features.

This ecologically unique area -- at the juncture of the Sonoran Desert, the high elevation Mojave Desert, and the Great Basin -- boasts the most extensive Joshua Tree forest in the Mojave Desert. The East Mojave has a wide range of life zones and habitats supporting exceptional biological diversity (with over 700 plant species, including 25 rare or endangered plant species, and some 300 species of animals). The East Mojave has excellent wildlife habitat for golden eagles, the endangered desert tortoise, and bighorn sheep, and many other animals. The area also contains a rich heritage of archaeological and historic resources, including Chemehuevi village sites, petroglyphs, and the remnants of 19th century Fort Piute, the Mojave (old military) road, several ghost towns from early mining days, and the historic Union Pacific depot at Kelso.

NPCA would like to underscore even further why it is that this superlative complex of resources deserves national park status more urgently than ever before. In 1981, in response to public pressure that part of the California Desert merited special management, the BLM designated the East Mojave National Scenic Area (EMNSA). Although we recognized the national park qualities of the area then, NPCA supported establishment of the EMNSA under the agency's California Desert Plan because, at that time, BLM indicated that ENMSA would be accorded a high priority and was to become "a model for multiple-use management." While historic uses of the area, such as mineral development, utility facilities siting, livestock grazing, and a variety of recreational and educational pursuits were to continue, the agency stated it was setting out to "provide special emphasis in impact reductions."

Although BLM has made some limited headway toward that goal, progress has been unsatisfactory. BLM has been handicapped in the East Mojave by a chronic shortage of funds and staffing, but even more so by an agency orientation that has failed to grant a higher priority to such vital aspects of land management as protection of critical natural and cultural resources.

Consequently, the East Mojave has remained subject to resource abuse. Piecemeal destruction of the area continues. The public has witnessed a plethora of agency actions that have failed to remedy and, in some cases, have even worsened problems. For example, BLM has failed to make important mineral withdrawals to protect scenic and ecologically-sensitive lands and actually deleted 47,000 acres from EMNSA to accommodate mining interests. Wilderness Study Areas (WSAs) in the EMNSA have not been protected according to legal mandates. Off-road vehicle use continues to scar large areas of the desert. Though canceled after the 1989 race, the BLM's past approval of the infamous Barstow-to-Vegas motorcycle race is convincing evidence of how, when given the choice between protection and destructive commercial or recreation use, the agency has nearly always chosen the latter.

Grazing still competes with and threatens native plants and wildlife, and is still permitted even in the most marginal of desert environments, such as Kelso Dunes. BLM has failed to consistently screen mining claims and to establish and enforce stringent operating criteria for mine operators. In reality it has been private citizens who have been the last defense against continued resource degradation and who have pushed hardest to implement the "showcase" vision for the EMNSA promised by BLM.

NPCA recognizes that there are significant land management and protection challenges in the East Mojave. Some critics of H.R. 518 have unfairly criticized conservation groups such as ours for supporting park status for an area with existing activities such as grazing, mining, utility corridors, rights-of-way, and other uses. Certainly we recognize that some existing activities are impairing what otherwise might be a truly pristine environment, but the current uses and developments in the East Mojave are resolvable, and their existence is not sufficient justification for denying this area national park or monument status. For example, while two existing highways do bisect the EMNSA, several huge tracts of undisturbed land remain which are larger than many national parks in the lower 48 states.

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The railroad in the EMNSA is an oft-cited example of intrusion, yet its presence is substantially muted in the vast expanse of the desert. Moreover, the railroad can be viewed in another way -- as a unique opportunity to develop a mass transit strategy to serve the park. National park system units such as Grand Canyon National Park, New River Gorge National River, Mt. Rainier National Park, and Denali National Park and Preserve all are crossed by railroads.

Under H.R. 518, grazing would not be a permanent feature of Mojave National Park. Grazing would be phased out over a reasonable time period, as has been accomplished successfully at other parks. Many other parks have utilities and rights-of-ways present within them. The reality is that the NPS has ample experience in handling such matters.

While there are a substantial number of mining claims in the East Mojave, mining is another activity that the National Park Service has the capability and experience to handle. There currently are over 2,000 mining claims within NPS units (affecting 130 parks), and active mining operations in 43 parks. The National Park Service operates a professional Mining and Minerals Branch that is already responsible for conducting validity exams, reviewing plans of operations, and monitoring reclamation projects under authority of the Mining in the Parks Act of 1976.

We must think in terms of truly long-term protection, management, and enhancement of the East Mojave. Rather than admitting defeat before we start and withholding all of the future benefits of a Mojave National Monument based on present desert uses, we should simply recognize that a comprehensive desert rehabilitation program should be devised once the park is established.

The NPS is demonstrating success in restoration all around the National Park System. For example, at Redwood National Park, the National Park Service is pioneering a world-renown effort to restore a watershed damaged by logging. At Sequoia-Kings Canyon National Park, the NPS is making progress toward reducing the impacts of powerlines. At Death Valley, the NPS has been reducing mining impacts and helping the desert recover. In fact, the NPS served as a consultant to Viceroy Gold Company on rehabilitation plans for the company's Castle Mountain project in the East Mojave.

Finally, it is worth noting that while the East Mojave clearly bears the imprint of man's activities, this proposed park is not unique in this respect. Shenandoah National Park in Virginia, for example, is comprised of lands reclaimed after years of human use and abuse. Some fifty years after its establishment, Shenandoah is the jewel of the northern Appalachians and has nearly two million visitors annually. The park's forest has recovered to the point that it includes congressionally-designated wilderness. What folly it would have been to have been short-sighted and denied generations of Americans the benefits of this remarkable park treasure.

Park development and concessions

NPCA particularly supports Section 412 of H.R. 518, which directs preparation of a comprehensive management plan for the East Mojave area. This section includes language restricting general park development and road improvements to those that are "essential and appropriate."

This section also encourages locating commercial services and other park-related development outside the park. This approach will preserve the area's scenic beauty and ecological values and will promote economic benefits to nearby communities. This approach should be more commonly practiced at other National Park System areas, now and in the future.

3. The National Park Service needs appropriate authority to protect land resources in the East Mojave

As introduced, the CDPA already includes provisions that stipulate reasonable limits to NPS use of eminent domain authority to acquire private lands in the proposed Mojave National Park. [Section 415(2) of H.R. 518] NPCA believes that NPS land acquisition authority should not be diminished further from the standard that exists presently in H.R. 518.

BLM's own approved plan for the East Mojave calls for acquisition of nearly 150,000 acres of private land, including nearly 33,000 acres of private lands not owned by Catellus Corporation or the state teachers retirement system. Failure to acquire certain private lands will leave open the possibility of incompatible development in sensitive areas. Development in areas such as the Lanfair Valley within the proposed Mojave National Park could seriously degrade what should be a protected landscape.

4. Hunting should not be permitted under National Park Service management of the East Mojave

NPCA is not opposed to hunting as a recreational sport, but does oppose sport hunting in the National Park System and hunting in the East Mojave under NPS management. Fifty of 51 national parks, and 78 of 79 national monuments are closed to sport hunting. This policy rests on 99 years of legal and administrative precedent in national park management, and has been affirmed by the courts in National Rifle Association v. Potter (1986) and reaffirmed in 1991 by Michigan's 6th Circuit Court of Appeals. The exemptions to the policy were established for very special situations and do not open either Grand Teton National Park or Hagerman Fossil Beds National Monument to general sport hunting.

Hunting is incompatible with purposes of parks.

The principal purpose of the National Park System, more than any other category of protected lands, is to preserve ecological resources in a natural and healthy state,

with as little interference from humans as possible. Sport hunting is incompatible with the resource preservation goals of the National Park System and interferes with the legitimate pursuits of other visitors. Sport hunting conflicts with:

- visitor expectations of a national park being a safe haven for recreation and wildlife;
- preservation of biological diversity and naturally functioning ecosystems, because hunting artificially changes ecosystem relationships and stresses conservation of only a few species for narrow special interests;
- visitor activities such as hiking, camping, and sight-seeing. It also threatens visitor safety and requires closing areas to visitors;
- wildlife viewing opportunities -- hunted animals are wary of humans;
- maintenance of natural age distribution and genetic viability of species populations, because hunting targets the biggest animals; and
- scientific research that depends on baseline data from non-manipulated ecosystems.

Only limited hunting currently occurs in the East Mojave.

Hunting is currently permitted in some portions of the proposed Mojave National Monument. The California Department of Fish and Game (CDFG) currently permits a total of ten wildlife species to be hunted in the East Mojave. These species include deer, bighorn sheep, quail, dove, chukar, and rabbit.

Hunting, however, is a relatively minor activity in the East Mojave. According to CDFG data, hunters killed only 28 deer during 1992 in the area proposed as Mojave National Monument. This take represents less than 0.1 percent of the 30,000 deer killed by hunters in California annually.

Because bighorn sheep populations in the Mojave have only recently begun to recover from overhunting, habitat destruction, and disease, hunting of this species is also minimal. In 1992, five bighorn sheep were killed in the area proposed for Mojave National Monument. One of the three state-designated zones for hunting bighorn sheep is completely outside the proposed monument. Another lies only partially within the proposed monument. There are some 50 herds of bighorn sheep in California. In addition, both the neighboring states of Nevada and Arizona have plentiful bighorn sheep populations that continue to recover, and extensive hunting opportunities exist within areas easily accessible from southern California.

In addition to its minor yield, CDFG statistics also show that the East Mojave area is of relatively marginal importance even for recreational hunting opportunity. The often-cited figure that the East Mojave provides in excess of 100,000 hunter-days annually is false and based on unreliable, misleading surveys.

The survey on which the 100,000 hunter-days figure is based was conducted in 1989 by CDFG. The survey covered all of San Bernadino County, of which the proposed Mojave National Monument comprises just 12 percent. San Bernadino County is very rural and hunting occurs throughout the county. The San Bernadino National Forest, located in the western portion of the county, is a popular area that offers hunting for many of the same species found in the East Mojave. Moreover, the CDFG survey counts hunter-days by species hunted, resulting in multiple counting (overcounting) of hunter-days. For example, if a hunter reports hunting both quail and chukar during one day, two hunter-days are counted.

Hunting is a declining activity in California. In 1991, only 1.3 percent of Californians were licensed to hunt. Only Hawaii, which has no native big game species, had fewer hunters as a percentage of the population, according to U.S. Fish and Wildlife Service data.

The California Desert Protection Act protects hunting opportunity

CDPA will help protect wildlife habitat and permit continued hunting on nearly 10 million acres of federal land, including 4 million acres of wilderness. Portions of the 7 million acres of private and state lands in the desert region also will remain available for hunting. Some hunting also occurs on the region's military reservations.

The wilderness designated by the legislation will not only protect habitat for wildlife, but protect hunting opportunities from being degraded by development activities. Each of the proposed wilderness units are accessible by roads, so vehicle access for hunters will be maintained.

National Monument status for the Mojave will not limit wildlife management.

Designation of Mojave National Monument will not prohibit effective management to benefit wildlife in the desert. NPS policies, for example, permit the development and maintenance of water "guzzlers" for wildlife within parks and wilderness areas. Five such wildlife water facilities have been placed and maintained within Joshua Tree National Monument.

NPS policies also clearly permit capture of animals for research purposes and translocation of animals (such as bighorn sheep) to repopulate other areas. Both the NPS Management Policies [NPS Management Policies, Chapter 4:6] and the NPS "Natural Resources Management Guideline" [Natural Resources Management Guideline, NPS-77, Chapter 2, pp. 36-37] include detailed guidelines on this subject.

Removing surplus bighorn sheep from large, protected herds for reintroduction elsewhere is far more valuable to hunters than the half-dozen hunting tags currently issued for bighorns in the proposed Mojave National Monument area. Over the past decade, NPS-managed Lake Mead National Recreation Area (NV/AZ) has provided over 600 bighorn sheep for transplantation programs in Nevada, Utah, New Mexico, Colorado, Texas, and Arizona. The NPS is the biggest source of bighorn sheep for reintroduction programs in the West.

Americans -- and Californians particularly -- want national parks closed to hunting.

A Field Institute poll conducted in February 1993 found the following:

- 84 percent of Californians oppose hunting on newly created national park lands
- 75 percent of Californians favor national park status for the East Mojave even knowing that hunting would be forbidden in the area
- 69 percent of respondents living in California's desert counties support park status for the East Mojave without hunting
- 66 percent of households with hunters support the Mojave park proposal, even knowing hunting would be eliminated.

These figures were remarkably consistent across all major demographic groups including: gender, age, political ideology, ethnic background, household income, education levels, and residence area in California.

Conclusion

NPCA urges the Congress to swiftly pass the California Desert Protection Act. The fragile and beautiful lands of the California Desert need the solid, long-term protection that national park and wilderness designations provide. The Desert Protection Act has broad public support. Citizens, the agencies, and business interests in the region all need the certainty of a comprehensive solution. The time for action is now.

Mr. VENTO. Finally on this panel we have Aaron Medlock, with The Fund for Animals. Welcome, Aaron.

STATEMENT OF A. AARON MEDLOCK

Mr. MEDLOCK. Thank you, Mr. Chairman. My name is Aaron Medlock. I am director of legal and legislative affairs for The Fund for Animals, and we appreciate having this opportunity today to talk about the California Desert Protection Act. We fully support the California Desert Protection Act, and I am here today specifically to urge you to maintain the integrity of our national parks and our national monument by not amending this legislation to permit sport hunting in the Mojave National Monument and by not accepting a Mojave National Preserve in place of a monument.

Now, I think for this committee to abandon the 99-year standard that we have for no hunting in National Parks and Monuments there should be a compelling reason, and quite frankly the hunting that does go on in the California Desert does not provide this compelling reason. We have heard a lot of information in the past and today about the number of hunters who use the desert and the number of hunting days that go on there, and quite frankly that information is greatly exaggerated.

The figure has been used that 20,000 to 22,000 hunters use the area every year. That figure is taken from the 1991 California Game Hunters Survey, and that is the figure for all of San Bernardino County, not the East Mojave National Scenic Area. To put it in perspective, the county itself is about the size of the State of West Virginia and the East Mojave represents probably 10 or 11 percent of that land. So to use that figure and say that all of those hunters go to the East Mojave is really an exaggeration. There is hunting throughout the county. The San Bernardino National Forest is a major hunting designation as well as hunting along the Colorado River.

Also, when you look at the 22,000 hunter figure, it is clear from the survey that there is a built-in overcompensation there. What happens is the California Department of Fish and Game ask hunters to respond to a questionnaire. In 1991, 2.4 percent of the hunters did so. When asked "What species do you hunt?" If they say, "Deer and quail," they are counted as two hunters. So if you look at the figures you can see that the total number of hunters that they come up with in the survey more than doubles the total number of hunters licensed in the State of California. So easily you can take the 20,000 or 22,000 figure and cut it right in half, just because of the methodology of the survey.

The same holds true for the number of hunting days. The latest figure, 1991, is 169,000 hunting days, and once again that is for all of San Bernardino County. That is not for the East Mojave National Scenic Area. And there too you have a built-in bias. If a hunter on one day says that he hunted quail and partridge, two hunting days are counted. Maybe that doesn't sound like a lot but, for instance, if a hunter says he hunted 20 days for two species 40 days are counted. Now because that hunter is only a small percentage of the number of hunters in the State he is actually speaking for 42 other hunters, and right away you have 800 hunting days that never really existed.

So I would urge you to look at these figures closely. I will include a copy of the 1991 survey for the record, and I think you will realize that we are dealing really with a much different picture here than what has been presented in the past.

[EDITOR'S NOTE.—The survey may be found on page 455 in the appendix.]

Mr. MEDLOCK. Now, also I am concerned about something that was said earlier today. This is not anti-hunting legislation. I don't think anyone who has ever sponsored a bill has intended for it to be. It is no more an anti-hunting bill than legislation that created Yellowstone, the Great Smokies, Acadia, any of our national parks and monuments. It is not anti-hunting legislation. But the fact of the matter is that we do have a standard of management for our National Parks and our National Monuments that precludes hunting in these areas. Now, if the subcommittee chooses to abandon that standard, that is one thing. I hope and I urge you not to do that.

This is a standard that has served us well. We have created one of the greatest National Park systems in the world. It is the envy of other countries and a model to other countries who are seeking to preserve areas of biodiversity and natural resources, and I certainly urge you to keep that in mind when this issue of hunting comes up.

In closing, I thank you for your time today and I will be glad to answer any questions.

Mr. VENTO. Thank you for your response, Mr. Medlock.

[Prepared statement of Mr. Medlock follows:]

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TESTIMONY OF A. AARON MEDLOCK, ESQ.
DIRECTOR OF LEGAL AND LEGISLATIVE AFFAIRS
FOR THE FUND FOR ANIMALS
BEFORE THE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
CONCERNING H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT
JUNE 15, 1993

Mr. Chairman and members of the Subcommittee on National Parks, Forests and Public Lands, I am Aaron Medlock, an attorney with The Fund For Animals, an animal protection organization with 150,000 members nationwide. I am here today to thank the sponsors for introducing H.R. 518, to express The Fund's strong support for this legislation, and to urge you to maintain the integrity of our national parks and national monuments by not amending this legislation to permit sport hunting in the proposed Mojave National Monument and by not accepting a Mojave National Preserve in place of a Mojave National Monument.

H.R. 518 is a visionary wildlands and wildlife protection bill that will safeguard a sizeable portion of the most remarkable lands within the California desert for present and future generations of Americans to enjoy. Only a few hours by automobile from anywhere in southern California, the lands to be protected under the provisions of the California Desert Protection Act will provide incomparable recreational opportunities within a desert wonderland for many of the 20 million people inhabiting southern California.

Of all the public lands designated for enhanced federal protection under the provisions of this legislation, the creation of the Mojave National Monument is surely the most significant. A convergence zone for three distinct desert types, the proposed Mojave National Monument boasts 100-mile vistas, the Cindercones National Natural Landmark, the world's largest Joshua tree forest, remarkable sand dunes, Southern California's largest limestone caverns, and thousands of ancient Indian petroglyphs. As you know, both the National Park Service and the Bureau of Land Management, in separate agency reviews, have determined that lands now designated as the East Mojave National Scenic Area warrant national park or national monument status. While we would like to see it designated as our nation's 52nd national park, we welcome the addition of the Mojave National Monument as our nation's 80th national monument.

Sadly, the opponents of this legislation are sniping at the creation of a Mojave National Monument. In particular, the National Rifle Association and the Wildlife Legislative Fund of

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America intend to advance an amendment to designate the area as a national preserve where sport hunting would be permitted.

This would be a grave mistake -- a mistake with enormous precedential significance. Contrary to the assertions of opponents, this bill was never intended as an anti-hunting measure designed to lock out hunters from the desert. National park designation for the Mojave was conceived more than 16 years ago as a vehicle to safeguard the most unique and distinctive desert lands in the country for all Americans, and indeed all the world, to enjoy.

Under the provisions of the Wilderness Act of 1964, sport hunting will continue to be allowed on the 4 million acres of BLM lands to be designated as wilderness. Also, H.R. 518 does not interfere with the existing state and federal management of another 10 million acres of California desert lands which would continue to be open to hunting when this legislation is enacted.

The position that more than 100 organizations have taken in support of this legislation and in opposition to hunting in the proposed Mojave National Monument does not derive from an interest in locking hunters out of the desert. The opposition to sport hunting is a derivative of the fact -- supported by the NPS and BLM -- that the Mojave area is national park or national monument quality.

Once the premise that the Mojave warrants park or monument status is accepted, it is clear that sport hunting should be prohibited. Hunting is simply not appropriate within our country's national parks and national monuments. As you know, 50 of 51 national parks and 78 of 79 national monuments are closed to hunting. The exceptions are very narrowly tailored and apply to a very limited number of species; in Grand Teton National Park, deputized hunters are allowed to kill winter-fed elk in years of overpopulation, and in Hagerman Fossil Beds National Monument hunters are allowed access in order to shoot waterfowl flying over the adjacent Snake River.

National parks and national monuments are created, according to the 1916 Organic Act, "to conserve the scenery and the natural . . . objects and the wild life therein . . . unimpaired for the enjoyment of future generations." 16 U.S.C. §1. Congress and the courts have consistently found that hunting is incompatible in national parks and monuments.

Although hunting would be prohibited in the Mojave National Monument, H.R. 518 is no more an attack on hunting than was legislation that created Yellowstone, Yosemite, the Grand Canyon and other national parks and monuments.

We should be aware of the true terms of this debate over sport hunting in the Mojave. By its actions in the courts and in the Congress over the last 15 years, the NRA has attempted to destroy the no-hunting standard of management in national parks and national monuments. In the mid-1980's, the NRA filed a lawsuit to open to hunting and trapping those units of the national park system where Congress had not expressly forbidden those activities. In a sweeping

decision, a U.S. District Court judge ruled that the 1916 Organic Act prohibited hunting and trapping except where Congress specifically authorized the activity. *NRA v. Potter*, 628 F.Supp. 903 (D.D.C. 1986).

Having failed in the courts, the pro-hunting groups have shifted their attention to Congress. Here, they ask Congress to eviscerate the California Desert Protection Act by rejecting the proposed Mojave National Monument and by substituting a proposed Mojave National Preserve, where sport hunting and a range of other abusive and incompatible activities would be permitted. If the Congress accedes to this tremendously significant change, it will guarantee a similar attack on every future national park or monument proposal. In fact, the NRA made it clear in its testimony before the Senate Subcommittee on Public Lands, National Parks and Forests in April 1992 that it will oppose the creation of any new national park or monument or wilderness area if hunting opportunities or access are restricted in any way. The NRA also stated that it would like to see other restrictions or prohibitions on hunting on public lands lifted.

The NRA has said, in unmistakable terms, that the Congress must discard the 99-year standard of no hunting in areas that legitimately qualify as national parks or monuments. In fact, it is even opposed to wilderness designations even when hunting is permitted. This represents an extreme anti-conservation ethic.

From the statements of those who seek hunting in the Mojave, it is crystal clear that this debate is not about hunting jackrabbits, coyotes, and bighorn sheep in the California desert. It is about the integrity of the entire National Park System and whether or not Congress will ever again create a national park or monument where the land and the wildlife is not managed for hunting and where the natural objects and the wildlife therein are unimpaired for the enjoyment of future generations.

I urge the members of this subcommittee to say no to this assault on the resource protection standard that has governed park and monument management for nearly a century. Enact the California Desert Protection Act in its present form and reject the amendment to create a Mojave National Preserve.

Hunting Is An Incompatible Use In The Mojave Area

There are compelling reasons -- such as public attitudes, visitor safety, and the fragility of the desert's lands and the susceptibility of its wildlife to hunting impacts -- for excluding sport hunting from the Mojave area.

A February 1993 Field Institute poll found that 75 percent of Californians favor national park status for the Mojave knowing that hunting would be forbidden in the area. In general, 84 percent of Californians oppose hunting on newly created national park lands. Even in households with hunters, respondents favored a prohibition on hunting by a margin of two to one.

The trend is clear in California -- sport hunting is rapidly declining. Only 1.3 percent of Californians hunt, while almost 30 percent engage in non-consumptive wildlife recreation. In the past 20 years, the number of hunters in California has declined by nearly 50 percent.

In 1991, only 9,000 visitors went to California to hunt. By contrast, 640,000 people visited the state that year for the primary purpose of nonconsumptive wildlife activities such as observing, photographing, or feeding wildlife, according to the U.S. Fish and Wildlife Service. Hunting animals like the Mojave's desert bighorn sheep makes them skittish and causes them to avoid humans, thereby diminishing wildlife viewing and photography opportunities.

It is not surprising that Californians would want to prohibit hunting in a new national park or monument. **Hunting in a national monument or park would raise serious safety issues for other visitors.** Hunting is not a benign activity. The discharge of firearms can result in human injury or death. As a result the Park Service may close certain areas to the public during hunting seasons. Even if there are no official closures, many people will avoid areas where hunting occurs -- a de facto form of exclusion. In the California desert, closures could last year-round since one species or another is hunted every day of the year. It is difficult to imagine that hunting could comfortably coexist with the visitors who will be drawn to America's newest national monument.

The Hunter Education Association reported 146 fatal and 1,418 non-fatal hunting accidents in the United States and Canada during 1990, with more than 95 percent of these accidents occurring in the United States. Fifty-six of the fatal accidents and 486 of the non-fatal accidents occurred when the hunter mistook the victim for a game animal or did not see the victim.

Allowing hunting firearms in the national monument will lead to destruction of plant and animal life. It has been documented in the Mojave that some people with guns (whether or not they are otherwise legal hunters is unknown) shoot and kill threatened desert tortoises and vandalize rare cacti, Joshua trees, and ancient Indian rock drawings called petroglyphs, just for thrills or perhaps for target practice.

In listing the desert tortoise as threatened, the U.S. Fish and Wildlife Service found that vandalism, principally shooting, was a major threat to the species' survival.

The Facts About Hunting In The Mojave

The present level of hunting activity in the proposed Mojave National Monument provides no compelling reason to accept the national preserve proposal. The proposed Mojave National Monument is arguably one of the least productive hunting areas, acre for acre, in the entire nation.

By stating that 20,000 families hunt in the Mojave and annually accumulate 169,000 hunting days, the hunting lobby has wildly exaggerated the level of hunting activity in the proposed Mojave National Monument.

The statement that 20,000 families hunt in the Mojave is false.

-- that figure is **for all of San Bernardino County** and is provided by the California Department of Fish and Game (CDFG) as the estimate of hunters of key species based on its annual Game Take Hunter Survey;

-- the CDFG actually **counts hunters by the species hunted resulting in multiple-counting of hunters**. For instance, a survey respondent who reports hunting both quail and jackrabbit is counted two times. The same figures that produce the San Bernardino County count of 20,000 hunters, produces a statewide count that more than doubles the actual number of licensed hunters in California.

-- the CDFG survey attempts to count hunters, and **does not count families**;

Therefore, total hunters for all of San Bernardino County may number as few as 10,000 because of the inaccurate counting methodology. That figure should be further reduced -- perhaps to 12 percent of 10,000, or 1,200 hunters -- to account for the fact that the Mojave National Park would encompass only 12 percent of the land in San Bernardino County.

The statement that the Mojave provides 169,000 hunting days is false.

-- that figure is taken from the CDFG's 1991 survey and is again **for all of San Bernardino County**, not just the Mojave;

-- the **CDFG counts hunting days by species hunted, resulting in multiple counting of days**. If a hunter reports hunting both quail and chukar during one day, two hunting days are counted.

The CDFG Game Take Hunter Survey is unreliable. For instance, only 2.4 percent of all licensed hunters provided information for the 1991 survey and survey results are based on hunters' recollections of hunting as long ago as 18 months. The CDFG admits that the survey is biased as a result of "the phenomenon of more successful individuals (e.g., hunters) being more inclined to return a questionnaire." This "nonresponse bias is one of the principle causes of inflated bag and hunter-use figures," CDFG concedes.

The Mojave Is Not A Hunter's Paradise

Deer hunting in San Bernardino County is concentrated not in the desert, but in the San Bernardino National Forest which is also a popular place to hunt bear, coyote, dove, quail, chukar partridge, turkey, jackrabbits and cottontails. Waterfowl hunting occurs on Baldwin Lake and on the Colorado River. The San Bernardino National Forest is located in the very western part of the county and is probably the major destination for hunters from the coast. H.R. 518 has nothing to do with these areas.

For almost all of the species hunted in the Mojave, accurate kill records are not kept. Exceptions would be data on the 4 or 5 bighorn sheep killed each year and perhaps the 25 to 30 deer killed. **Other figures reported below are based on the CDFG 1991 annual survey which CDFG admits may produce inflated bag numbers**. Furthermore, figures are not reported specifically for the Mojave, but for all of San Bernardino County.

Desert bighorn sheep -- The CDFG permits 11 or 12 desert bighorn sheep to be killed by hunters each year. Perhaps 4 or 5 are taken out of the Mojave Desert.

At present, bighorn sheep hunting is allowed in three zones in California -- the Marble Mountains, Kelso Peak/Old Dad Mountains, and Clark/Kingston mountain ranges.

The Marble Mountains zone is **completely outside** of the proposed Mojave National Monument.

The Kelso Peak/Old Dad Mountains zone is **completely inside** the proposed Mojave National Monument.

The Clark/Kingston zone is **mostly outside** and north of the proposed Mojave National Park. However, the Clark Mountain Range would be **partially inside** the monument.

Permits issued in 1992 and proposed for 1993 are as follows:

Zone	1992	1993	
Marble Mountains	3	3	
Kelso Peak/Old Dad	5	4	
Clark/Kingston	3	3	
Any Zone	1	1	(Fund-raising tag)

The auctioning of one desert bighorn sheep hunting tag which provides up to $100,000 for sheep conservation would not be affected by this legislation. In fact, the fund-raising tag could auction for a higher price in 1994 if fewer tags are available. Furthermore, the state legislature has authorized the issuance of up to three fund-raising tags.

The maintenance of water guzzlers that benefit wildlife such as the bighorn during times of drought would not be prohibited by National Park Service regulations. In fact, wildlife guzzlers have been maintained in Joshua Tree National Monument since the 1950's.

On occasion, animals from national parks have been removed for a number of reasons, including translocating for wildlife repopulation. In fact, federal regulations provide for the removal of surplus live elk, bison, and bears from Yellowstone National Park and live bison from Wind Cave National Park for preserves, zoos, zoological gardens and parks. 36 C.F.R. §10.1 et seq. Similar regulations could be adopted for the Mojave National Monument bighorn sheep.

The herds within the proposed boundaries of the Mojave National Monument have been a valuable source for translocation. To date, 222 sheep have been removed including 45 in 1992 airlifted to other mountain ranges to help reestablish populations in the historic range.

Removing sheep from large, protected herds in the Mojave for repopulation elsewhere is far more valuable to hunters than the four or five hunting tags that are issued for such herds each year. As the desert bighorn sheep population grows and individual herd populations stabilize, more hunting opportunities will be created. Already, there are 50 herds of bighorn sheep in California.

Mule Deer -- The Mojave is an extraordinarily poor deer hunting area. The CDFG reports that an average of 26 mule deer are killed annually in the Mojave, an area of 1.5 million acres. Most deer in the county are found in the San Bernardino National Forest, not the desert.

Coyote -- Hunters may have killed an estimated 3,738 coyotes in San Bernardino County in 1991, many in the National Forest.

Jackrabbit -- The San Bernardino County kill for 1991 may have been 24,486, much of it in the National Forest. The estimated statewide bag was down 23 percent from 1990.

Cottontail Rabbit -- The San Bernardino County kill for 1991 may have been 19,068, much of it in the National Forest. The estimated statewide bag was down 32 percent from 1990.

Tree Squirrel -- The San Bernardino County kill for 1991 may have been 168, perhaps none in the proposed Mojave National Monument. The state is proposing that there be no hunting season for tree squirrels for 1993 in San Bernardino County.

Birds -- CDFG reports that 73,000 doves, 1,134 band-tailed pigeons, 42 turkeys, 168 pheasants, 85,000 quail, 6,000 chukar partridge, 9,786 crows, 8,190 ducks, and 1,932 geese were killed in all of San Bernardino County in 1991. Again, these figures are taken not from actual counts, but from the annual hunter survey.

Waterfowl hunting in the county occurs mostly on Baldwin Lake or the Colorado River, many miles from the Mojave Desert. Almost all turkey hunting occurs in the San Bernardino National Forest, as does a great deal of the quail, partridge, pigeon and dove hunting.

The CDFG notes that resident game bird hunting "ha[s] been steadily declining since peaking in the 1960's." The number of quail hunters has declined by 62 percent since 1967, while the number of quail harvested declined by 69 percent.

As the above information indicates, there is no compelling reason to discard the 99-year, no-hunting standard in national parks and national monuments, as evidenced by the unproductive hunting activity in the proposed Mojave National Monument.

Conclusion

Mr. Chairman, for 99 years Congress has prohibited hunting in our national parks and monuments. This subcommittee may choose to abandon that management standard by allowing hunting in the Mojave National Monument. Or, this subcommittee may choose to designate the Mojave as a unit other than a national park or national monument where hunting would be allowed. In doing so, this subcommittee will have brought to an end an era that began in 1894 with the protection of wildlife in Yellowstone National Park and that eventually created a National Park System that is the envy of the world, and a model for countries trying to preserve their own natural ecosystems. There is no compelling reason to abandon that management standard.

Mr. VENTO. I guess nobody has put in the record the survey that San Bernardino County has—do you have it with you to put in the record?

Mr. MEDLOCK. Yes, I do.

Mr. VENTO. So if you would submit it, it will be included. I guess that is the same survey that has been referred to by Mr. Horn and by others earlier today in the discussion. So perhaps this is the appropriate time to put it in the record, the information from San Bernardino County.

[The summary of Wildlife Management Related Data for the East Mojave Desert follows:]

SUMMARY OF WILDLIFE MANAGEMENT RELATED DATA FOR THE EAST MOJAVE DESERT

It should be noted that largely because of the effects of the ongoing drought in this area, the following hunter numbers and effort are currently well below long term averages. With the recent rains, we should expect a stable, if not increased, number of hunters and days.

Hunter Numbers and Effort for 1991 in East Mojave Desert

Game Animal	Hunter Numbers	Hunter Effort (Days)	Bag
Dove	5,000	20,000	73,000
Quail	7,000	54,000	87,000
Chuckar	2,000	9,000	6,000
Jackrabbit	3,000	30,000	24,000
Cottontail	3,000	24,000	19,000
Coyotes	1,300	32,000	4,000
Bobcat	130	300	?
	21,430	169,300	213,000

Deer hunting in Zone D-17 (all within E. Mojave)

Year	# of Permits	Harvest	% Success
1987	* 500	15	3
1988	* 500	29	6
1989	* 500	29	6
1990	* 500	26	5
1991	500	31	6
1992	500	45	9

(* the Inyo Mountains were included in Zone D-17 prior to the 1991 season. It was estimated that approximately half of the total 1,000 permits hunted in the current boundaries)

Bighorn sheep hunting in the E. Mojave (Marble and Kingston)

Year	# of Permits	Harvest	% Success
1987	5	5	100
1988	5	5	100
1989	6	6	100
1990	4	4	100
1991	5	5	100
1992	7	7	100

Permits are required for the pursuit of deer, bighorn sheep and bobcats. The money generated from the $5 non-refundable application fee and the tag auctioned each year ($70K, $59K, $40K, $37K, $42K, $61K respectively and $100K for next year) is placed in a dedicated account to be used exclusively for the research and management of bighorn sheep in California.

Designation of the East Mojave area as a park would eliminate all the hunter use of this area. In addition,, it would prevent maintenance of critical wildlife water developments (guzzlers) that currently number more than 300.

Wilderness designation will not necessarily eliminate hunting, but due to the physiogeographical nature of the area, it would effectively restrict hunting to a very small part of the area. Current wildlife management efforts in this general area total approximately 35,000 man-hours annually. The bulk of this effort is provided by volunteers in coordination with the Department. This management work comprises largely habitat maintenance/improvement and wildlife inventory projects. Because of vehicle restrictions associated with wilderness designation, these efforts would for the most park cease.

Both wilderness and park designation would effectively (if not directly) eliminate efforts to restore wildlife populations.

Mr. VENTO. Now you are saying that in San Bernardino County, the East Mojave only makes up about 11 or 12 percent of that area; is that correct?

Mr. MEDLOCK. That is my understanding, yes. And actually this is the California State survey, it is not a San Bernardino County survey.

Mr. VENTO. But it is of the county?

Mr. MEDLOCK. It breaks it out by county; yes.

Mr. VENTO. Of course a further assumption might be that only people from San Bernardino County hunt in this area; is that correct?

Mr. MEDLOCK. No. Actually, the survey says, Where did you hunt?

Mr. VENTO. I see.

Mr. MEDLOCK. And then it is put into the appropriate county category.

Mr. VENTO. But you are suggesting that there are other areas that are much more likely as hunting areas in that area; that is, some national forest areas?

Mr. MEDLOCK. Well, certainly if I lived in Los Angeles or San Diego I would rather spend an hour and a half driving to the San Bernardino National Forest, which has a lot of hunting opportunities, than going another hour or two into the desert with very little hope of sighting an animal or, if I am a hunter, killing the animal.

Mr. VENTO. What you are suggesting is that maybe those figures for that county—now, there is some suggestion in some of the summary materials that I saw that only part of the area, D–17, which is a deer area, should be attributed to the East Mojave. But less than half of it, I guess, would be the estimates based on your observations that there is some double-counting going on here. That is to say, if somebody goes out hunting jackrabbits and say they were hunting jackrabbits and cottontails, they are getting scored for two hunter days. Is that correct?

Mr. MEDLOCK. They are not only getting scored for two hunter days, they are also being counted as two hunters.

Mr. VENTO. Okay. That is interesting. Very often, I suppose. I don't know if people when they go deer hunting are going to be hunting rabbits at the same time. It is a little unlikely, but I suppose some people may, I don't know.

Mr. Horn, do you have any response to this analysis?

Mr. HORN. We have basically relied on the figures from the California Department of Fish and Game. I think we would essentially conclude that 170,000 hunter days, no matter how you count it, is a very substantial effort.

Mr. VENTO. Yes.

Mr. HORN. More than half of the effort is directed at bird hunting. One goes out hunting birds generally with shotguns. One is out generally pursuing deer with a rifle. There may be some modest degree of double counting, but I think it would be modest.

We want the committee to deal with the policy question.

Mr. VENTO. So you are not trying to say these numbers absolutely reflect the numbers at all. So you are really not concerned about the amount of hunting or the success in terms of hunting

here so much as you are the policy question, is that what you are telling me?

Mr. HORN. It is the fundamental policy question, and that the numbers and the statistics that have been generated are sufficient to create an area where we have significant hunting opportunities that exist today that we don't think should be diminished.

Mr. VENTO. So your position is not based on the specific characteristics of the East Mojave, is that right?

Mr. HORN. No. It is based on the fact that this is an important hunting area. We expect the hunting activity to increase in the area. We think that the activity has been depressed in the large decade, largely as a result of the persistent drought, and that it is inappropriate as a matter of policy to erode further hunting opportunities on public lands in Southern California.

Mr. VENTO. Are you arguing, Mr. Horn, that all national parks or a goodly number of them should be open to sport hunting?

Mr. HORN. No. There have been very consistent decisions made. That in some cases where you had significant hunting opportunities in existence this committee made decisions. Just last year you created the Little River Canyon Preserve in Alabama. The determination was that that was an important wildlife area, hunting was an important activity, and notwithstanding the fact that it had "park quality resources," Preserve designation was the appropriate designation in that case.

Mr. VENTO. Well, there is a State Park included in that in which there won't be hunting, I presume—the DeSoto State Park. But in any case, we didn't refer to it as a National Park.

Mr. HORN. No. You designated it a preserve, and you have similar language which permits the Alabama Department of Fish and Game to continue to regulate. As I indicated, this is consistent, and the amendment that we are asking the committee to consider and adopt is consistent with 20 years of legislative precedent dating back to the original enactments of Big Cypress and Big Thicket. You did this 10 times in Alaska, covering nearly 20 million acres of land, in the 1980 Alaska Lands Act, and you just reiterated that precedent last year with the Little River Canyon Preserve in Alabama.

So in deference to all this discussion of precedent, we think you have got a pretty good 20-year track record that ought to be continued with the one and a half million acres in the East Mojave.

Mr. VENTO. But the point is that in these instances there are probably substantial opportunities for sport hunting, whereas the concern here is that there is a pretty depressed area in terms of the availability of most game.

Mr. HORN. I disagree, Mr. Chairman. I think that we do have a very significant area. We have got 170,000 days of hunter use, most of it, as I said, dedicated and directed toward bird hunting. By my lights and I think our coalition's lights, that is a very significant opportunity that we don't want to see eroded.

Mr. VENTO. Well, that figure has been challenged. You said that it was a matter of principle based on the fact that you didn't think it ought to be closed to hunting, not necessarily the quality of it. But now you have, of course—maybe I misunderstood you.

Mr. HORN. Mr. Chairman, I think we can sit here and argue numbers and we can bring in the statisticians to go through it. If the number were 100,000 hunter days or 150,000 hunter days, by our lights that is a significant effort, and that is a significant recreational opportunity that should not be denied to a very significant element of the recreational public, coupled with the fact that hunting does not degrade the environment, it does not interfere with other users of this area, and there is no good reason to deny hunting in this important area.

Mr. VENTO. Well, I think that it has got a conflict with other uses. Very often, in terms of individuals, when an area is open to hunting, obviously, there are safety questions and so forth that are involved.

Mr. HORN. There are clearly time and space zoning arrangements that have been taken into account on public lands across the Nation, be it our Wildlife Refuge System, National Preserve units, State Parks, wild rivers, forest areas, BLM lands, and we have competent agencies both within States and the Federal Government to deal with those public health and safety issues, which they deal with quite effectively.

Mr. VENTO. But the point is they are not necessarily compatible. Mr. Hughes raised the point of the different behavior of wildlife in parks where they are hunted as opposed to areas where they are not hunted. Mr. Hughes, did you not raise that point?

Mr. HUGHES. I certainly did. I also speak to a different behavior of people. My wife doesn't like to go to the East Mojave in October when it is open to hunting.

Particularly, hunters I am not concerned with. Hunters when they don't find anything tend to turn into shooters, and I get very nervous around shooters.

Mr. VENTO. Well, I mean we have all seen the evidence of damage in some areas to road signs and to vegetation and other things, unfortunately. Nobody would endorse that type of activity, but it does occur. Obviously it is, I suppose, a clearer matter in terms of regulating to forbid having in your possession firearms, or at least not having them available in these areas when they are closed.

In any case, let me—Mr. Simons, did you want to comment?

Mr. SIMON. Yes, Mr. Chairman, thank you. If I could just comment quickly on a couple of points.

The drought issue is one that I find sometimes very interesting. We simply need to remind ourselves that there is a drought, but this is desert. We may be misleading ourselves in terms of the impression that we should be expecting more rainfall in the first place. These cycles of rainfall are quite long and we may be experiencing something more akin to normal conditions right now.

Second of all, in terms of conflicts with hunting, both the chairman and, of course, Mr. Horn in his previous capacities are well aware of the situations in Big Cypress National Preserve, for example, where hunting has been a concern that has held us back, I think, from taking some additional steps to protect the endangered Florida panther.

In sum, I think the question here is one of balance, one that the committee and the Congress is faced with continually. We have heard a lot about cost of this bill, and hunting is part of this, but

we need to look at the overall weight of benefits and cost to the American public. Clearly, I think the economic benefits of hunting will be far outweighed by the increased tourism benefits, some of which we have heard about today. But that is just part of it.

I think overall when we weigh these issues having some area free from this activity and other areas still open will be in the best interest of the American public. Thanks.

Mr. VENTO. I find that my time has expired. Mr. Hansen?

Mr. HANSEN. Thank you, Mr. Chairman. You know, we can get into this fight and arm wrestle over what these correct figures are on this, but from the information we have been given on our side these figures are pretty correct that we got. You mentioned the idea of rabbit hunting. Jack or cottontail, they are rabbit hunting. I don't think they make a distinction between jackrabbits and others, do they?

Mr. VENTO. The survey does that you are using. The information does indicate that they give a separate category. Incidentally, it is about the same numbers, 3,000 per group. I suspect those are mostly the same 3,000 people.

Mr. HANSEN. I am sure they are. But you get into it, I don't think when the rabbit hunter is out there he draws a distinction.

Mr. VENTO. No. I agree. I agree with the gentleman. That is the point—if the gentleman would yield—that we are getting numbers that probably need to be qualified on that basis. That is all.

Mr. HANSEN. And then on the other side, a point that I think was missed by the panel, is seasons don't overlap. I mean many times you have got a season of one and a season of another thing, and I think that is something to take into consideration.

Mr. VENTO. But I expect that a quail and chukar overlap.

Mr. HANSEN. I am sure they would.

Mr. VENTO. Yes.

Mr. HANSEN. Well, not necessarily. In the State of Utah they don't.

Mr. VENTO. Not perfectly probably.

Mr. HANSEN. Chukar starts in September and quail starts the first week of November in Utah, and I would assume the same thing would apply in these other Western States.

Mr. VENTO. I don't know.

Mr. HANSEN. Well, I hunt them extensively.

Mr. VENTO. Well, I can tell you about grouse and pheasant in Minnesota. I can't tell you what you do in Utah.

Mr. MEDLOCK. May I address that point, please? I would like to point out that in the California Desert at present there is hunting every day of the year. The jackrabbit season is year-round, as is the coyote season. The cottontail season is 6 months, and the other seasons are shorter. There is a great deal of overlapping of seasons.

Mr. HANSEN. That may be true, but you can't turn a cottontail into a jackrabbit no matter how hard you try.

Mr. MEDLOCK. I wouldn't want to.

Mr. HANSEN. Let me go on and point out something, if I may. You know, I think the Park Service, and I don't mean to be critical of them, are always taking a rather narrow view of this hunting issue. I think it should be on a retail basis. If you look at the size of Yellowstone, it is absolutely huge, and I have spent hundreds of

hours in Yellowstone in my life. And actually, what really happens there, if you check up on it, most of those things die of starvation. They get too big, the bison herd or the elk herd or the moose herd, and they die.

So hunting is like grazing. It is a tool that can be used. In the State of Utah when I was a young man in the days that I used to really enjoy horses we used to ride and do the deer count every spring for the Fish and Game. A whole bunch of volunteers did it. They probably do it up in Idaho the same way, Larry. Most deer in Utah die of starvation. Second is cars. Cars get a lot more deer than hunters will ever get.

So using the hunter as a tool, a management tool to keep the herd down and determine where you can—you know, sometimes we have an "either sex" hunt, which is probably appropriate, to thin it out just a little bit. If not, you are just overrun with the things.

Mr. VENTO. If we could introduce these northern timber wolf hunters.

Mr. HANSEN. I am afraid everyone would break the law and kill them in a hurry.

Mr. VENTO. Yes, I am afraid that is a problem.

Mr. HANSEN. I could probably kill more deer in my backyard than most of these people kill. Looking at the deer count here, it is pretty bad in the Mojave area. I have to take out all my shrubs every year. But I don't mean to get into that.

I just really think it is kind of foolish to make absolute statements. Absolutely we don't hunt in parks. My gosh, what are we going to do, kill off all these—let these things die when we can take advantage of it? And I am speaking of the Tetons. We hunt in the Tetons. I have hunted in the Tetons. You have to have a special permit to hunt in that area. We hunt in some parks, and it is a reasonable, rational thing to do.

So I don't find it offensive, but I just find it a little hard to understand the rationale of saying we do not hunt in parks, period.

Mr. VENTO. Well, we don't treat them the same way. But I would just suggest I don't find it altogether offensive that things die of natural causes, or the animals do, and the way that that works. I don't look at it as being wasted. You know much of that really is not wasted. There is a pretty good cycle there that goes on in terms of its after-effects.

Mr. HANSEN. I surely agree that things can die of natural causes. I wouldn't want to get into an argument with the chairman over that. But I would point out that when they overgraze an area and they take it to the point down to nothing and get fires and all those things it is a good management tool.

And if I may continue on just a wee bit. Mr. Simon, I would like to ask you a question, if I could. The proposed East Mojave National Monument has an extensive infrastructure that includes 2,500 miles of roads, 55 miles of transcontinental railroads, several high voltage transmission lines, a pipeline, 120 miles of telephone lines, and over 10,000 mining claims. How does this area meet the standard normally associated with a national monument?

Mr. SIMON. Well, that is a mouthful, Mr. Hansen. I think when you look at these things you first of all have to look at those intrusions, if you refer to them as intrusions, in the scope of this land-

scape, which is vast. Many of those features on the land fade into the landscape from very short distances away from them.

The second thing I would say to you is that this situation is not necessarily unique in the National Park System. Other units such as Denali National Park in Alaska, New River Gorge in West Virginia, also have railroads through them. In this respect, I think the roads and the railroad even probably represent one of the most incredible opportunities for mass public access and interpretation of this region that we have ever faced before, and with some kind of creative management we can really make this place meaningful to millions of Americans.

Lastly, in terms of utility corridors, I may be exaggerating slightly, Mr. Congressman, but virtually every national park unit has some form of some utility corridor through it. In discussion of the reconciliation bill this year the committee dealt with some of these issues and I believe that did come to light.

Mr. HANSEN. I would agree with that statement. As far as the utility corridor, I am sure you are absolutely correct. But I have never seen one this extensive. I think this will be the leader of the pack.

Mr. SIMON. Well, the resources that, of course, surrounds these features are really the ones that the Park Service and the BLM in doing their studies have determined to be of National Park caliber. You are talking about 16 mountain ranges, thousands of petroglyphs, some of the best collections of Indian rock art in the world, 700 plant species, hundreds of animal and fauna species, tremendous historic resources. In the context of the standards for the Park System, and these areas being large areas with diverse resources of national significance—those are basically the criteria—this area clearly meets those tests.

Mr. HANSEN. Mr. Medlock, your testimony was basically against hunting in the park there. Just out of curiosity, looking at the head of your statement here, does your organization support hunting anywhere? Private, public, any ground anywhere?

Mr. MEDLOCK. Well, I can't think of a time when that has happened; no, sir. We do a lot of animal protection work, ranging from protecting endangered species to spaying and neutering cats; and yes, it often involves working to stop certain hunting practices and certain hunts.

Mr. HANSEN. But you basically oppose hunting wherever it is found?

Mr. MEDLOCK. My organization does; yes.

Mr. HANSEN. No exceptions to that?

Mr. MEDLOCK. I will just say that we haven't seen the exception yet.

Mr. HANSEN. Well, that is pretty clear.

Mr. MEDLOCK. But I also—this is not a bill that we think is an anti-hunting bill. We were brought into this bill primarily when the hunting community attacked the National Park System. It is not something that we set out to do, to take away hunting in the East Mojave Desert.

Mr. HANSEN. What is your rationale on no hunting, may I ask? I don't mean to be unkind. I was just curious what the rationale is.

Mr. MEDLOCK. Actually, it is odd because I grew up in a family of hunters. In fact, if my father hadn't hunted there would be many times we probably would not have had enough to eat. So I am probably a little more sensitive to the issue than some people.

I take great offense, though, at people who shoot animals basically for a thrill. I take less offense at people who really need to do what we call subsistence hunting.

Mr. HANSEN. It is kind of a hard line sometimes to draw—that line.

Mr. MEDLOCK. It is. But also we seldom get into the debate because, quite frankly, it is not on the agenda to end hunting. It seldom comes up.

Mr. HANSEN. You don't look at it as a game management tool?

Mr. MEDLOCK. Actually, what you were saying earlier was very interesting. I did want to point out that, first of all, there has been no suggestion of any overpopulation problems in the California Desert, so that a management tool is not needed. We find more times than not that when the management tool is actually used to inflate herd numbers of deer and elk, for instance, so that you have these problems of what some would call overpopulation.

Mr. HANSEN. Thank you.

Mr. MEDLOCK. Thank you very much.

Mr. HANSEN. Thank you, Mr. Chairman.

Mr. VENTO. Thank you. Mr. LaRocco?

Mr. LAROCCO. Thank you, Mr. Chairman. I appreciate this discussion on hunting and monuments versus preserves. I would pay particular attention, however, to the letter that the State of California Department of Fish and Game sent to Senator Feinstein, which I believe has been entered into the record, because there is some information in here that I think is a little bit different than the focus of our discussion over the last few minutes with regard to scientific research.

And really, the question that my colleague from Utah just brought up in terms of managing wildlife is what in this letter they call "active management," which they feel they would give up that opportunity in that region. The Director, Boyd Gibbons, says that "I am concerned that neither our department's important efforts at scientific research in managing wildlife be foreclosed nor the hunting public be shut out of this region we have historically used."

I know in legislation I have tried to fashion in Idaho that we always look at the historical uses. That is a big thing to me. In checking with my staff here, I think we had a minimum of 90,000 hunting licenses in my district alone, a normal district of a half million people. So, you know, the historical uses in that area. I guess we could quibble over these figures, but, you know, Mr. Gibbons does say "In the East Mojave, for example, upland game hunters have spent more than 110,000 recreation days annually. Because our management has helped bring back bighorn sheep, we have been able to offer some limited sheep hunting, the permits for which have produced more than $500,000, all used to expand populations of bighorn sheep." Then he goes on to say, "* * * certainly the more difficult hurdle both for hunting and our department's ability to continue scientific study and manage wildlife." So at least Mr. Gibbons wants us to investigate this idea of a preserve.

I brought this question up with the Secretary, and maybe you were in the hearing room earlier. I direct this at Mr. Simon because I think this is an important policy question.

Last year the House of Representatives passed a bill which was precedent-setting. It said that hunting should go on in the East Mojave Park. And the Secretary said there is no way that he would want that type of direction from the Congress.

Now, I would grant you that this is before it was passed by the Senate. This is not a conference. But nevertheless, the House of Representatives spoke on this. I had been looking for some way to protect historical uses, to protect the area, and to manage actively the game in that area as indicated by Mr. Gibbons.

So my question to you would be what is your position on the legislation passed last year by the full House? Is that acceptable to your organization?

Mr. SIMON. The H.R. 2929, which you are referring to, no, it was not acceptable, simply because of the fact it did authorize hunting in a National Monument, which would have violated 99 years of National Park policy precedent.

Let me try and respond to your real honest, intellectual turning over of these issues. First of all, in response to the State's concerns I can only say that I don't think we are giving up active management of wildlife. As I pointed out, the Park Service has wide latitude still to manage wildlife. The Park Service has been the single largest donor agency of bighorn sheep in the entire West. That will continue under this bill. I think there is great value in having a protected herd. Hunting opportunities will even continue in these areas surrounding the East Mojave.

In addition, there is great value in having non-hunted populations. Active management also means scientific research. It is often not a feature that is included in that.

In terms of the vote, Congressman LaRocco——

Mr. LAROCCO. Yes?

Mr. SIMON [continuing]. You were here in Congress during the 102d Congress. There were a set of interesting circumstances surrounding that vote. Other votes bore on that vote that had to do with gun questions. And I would only say to you that hope springs eternal and change seems to be the big word of the day in America, and we feel that we can successfully bring our case before Congress again.

Mr. LAROCCO. Well, I think that was a common sense vote. I think that what was in there stated that the Secretary "shall" be directed, but in conjunction with the State Department of Fish and Game. I think when people turn that over in their mind they decided, "Well, the State is still involved and this is a State's rights issue. That this is okay. That is right. I remember now. State Departments of Fish and Game do have a say in the bag limits and the season and the setting of that and whether there are permits and access and hunting seasons" and so forth.

So, when you turn that over in your mind it seems to make sense, and maybe there is a time factor there and so forth. But the rubber is hitting the road here and we have a great opportunity for this bill to actually make it to the President's desk and to find a sympathetic pen there, the President is like to sign this, because

of certain political changes that I think make this a political reality. In a sense, this train is on the track.

So I am concerned about the precedent, and the Preserve idea seems a logical solution. We are talking about my amendment here that I intend to offer in the committee, and I think that the votes are here. I think that last year's language passed the House because we weren't willing to deal openly with this precedent question. Now I think that we are having a necessary discussion about it.

And, you know, I understand Mr. Hughes' position, but there are lots of concerns about uses. Let's face it. I was in the Selway-Bitterroot Wilderness last week during the break, and you know that is a narrow trail. So when you step in horse stuff, left behind by a string of pack mules, somebody will say, You know, I don't like allowing those horses in here. It ought to be just open for backpackers. Then you go up to Moose Creek and they got planes that land in there. Then you have got inholdings and you have got permit systems. You know, these are fine balances of uses, and I guess that is what we are searching for here.

Mr. LAROCCO. Right. And I think we are trying to, hopefully, eliminate some of the things that will create internal tensions in the management of this area that would otherwise continue to plague us down the road.

Mr. SIMON. And before I close, I appreciate the opportunity to respond, Congressman LaRocco. I have to also thank you for your involvement and your interest in the hunting question. Without belaboring the point, I am just delighted that some of the groups that Bill Horn is representing here today have changed their tune with respect to this bill. Just a little over a year ago, we were talking about testifying against not only the California Desert Protection Act, but some of the groups that Mr. Horn represents here today also stated their opposition to Mr. Lewis' bill. So I am delighted that we have some of our friends and their hunting constituencies who have now come around to supporting parks and wilderness.

I respect your opinion on this topic. I respectfully disagree about the validity of the activity in the park.

Mr. LAROCCO. You know, Mr. Gibbons goes on to say, "I am also deeply concerned with preserving hunting in the East Mojave and elsewhere. Hunters in California may appear to have huge territories in which to hunt but the reality of population growth and recreation demands in the State make it increasingly more difficult for the hunting public to enjoy a day in the field."

That is why I want to bring the committee's attention to this letter. I think I know Mr. Horn's position on this, and I commend them too. Because I think Mr. Hughes' statement is that the NRA and hunting groups are just trying to open the parks up, and I think that their position on this is that they are not. They are instead trying to find a way through this dilemma, and it is not easy. But I know in the National Conservation Area that I think we are about ready to have signed into law in Idaho, the Snake River Birds of Prey——

Mr. SIMON. I hope.

Mr. LAROCCO. I am hopeful too. In fact, the Senate is having a hearing day after tomorrow on that.

But, you know, we had historical uses of agricultural practices, the training of the military, water rights, grazing, all of which was prescriptive in nature, and we found that the NCA route was the way to go about that protection. So I just think that this Preserve idea, if written correctly, and drawn properly gets us down the road and recognizes the political realities of this.

I appreciate your comments. Your views on hunting, Mr. Medlock, are out of sync with just about every one of my constituents, but I appreciate your comments. And, Mr. Hughes, I have read your testimony.

Thank you, Mr. Chairman, for this opportunity.

Mr. VENTO. Well, thank you. If there aren't enough things to hunt in California they can always come to Minnesota or Utah or Idaho, I guess, for that matter. We have got plenty of hunter days and some degree of success. I think Mr. Hughes was right when he said there isn't a county in Minnesota where we don't have more deer that probably get hit accidentally in a year than what they get all year at the East Mojave, which is the size of West Virginia, I guess, just for comparison purposes. The county is the size of West Virginia, not the park.

The United States, like any landowner, can close some of its lands or all of them to hunting under many circumstances. So the decision really isn't a State decision. I know that they don't advocate or follow a policy like that unless they have got a reason, and setting in place or the designation of this as a National Park under the law would be such a reason.

Well, I want to thank this panel very much for their participation. The hunting issue seems to be getting a lot of attention. I think that the whole park issue in terms of its suitability, its features, its administrative ability and other factors are probably really the key factors. I, in a sense, regret that it has come down to that particular discussion because it really didn't receive, and shouldn't receive I don't think, that much attention. It is just simply, I think, a question of designation. The end effect I fear is that if amendments pass that do that, you will effectively prevent this from being designated, which is, perhaps, what the real goal is in any case in some people's intent.

Thank you, gentlemen.

PANEL CONSISTING OF ROB BLAIR, CALIFORNIA CATTLEMEN'S ASSOCIATION; KURT HATHAWAY, AMERICAN MOTORCYCLIST ASSOCIATION; JAMES REDDY, PRESIDENT, PLEUSSSTAUFER, ON BEHALF OF THE CALIFORNIA MINING ASSOCIATION; NORBERT RIEDY, SENIOR POLICY ANALYST, CALIFORNIA REGION, THE WILDERNESS SOCIETY; AND WILLIAM C. MATHESON, VICE PRESIDENT, SALES AND LAND MANAGEMENT, CATELLUS DEVELOPMENT CORP.

Mr. VENTO. We have the third and final panel of five witnesses that have been very patient today, and we appreciate that. Hopefully, we can conclude after hearing their testimony with just a few brief questions.

Mr. Rob Blair, who is with the California Mining Association; Kurt Hathaway, the American Motorcyclist Association; James Reddy, with the California Mining Association; Mr. Norbert Riedy,

The Wilderness Society; and finally, Mr. William C. Matheson, the Catellus Development Corporation.

In recognizing Mr. Blair—Mr. Blair is here—I want to comment that we were, obviously, interested in your views on the issues before us.

Your statements have all been made a part of the record. If you can kind of summarize in about 5 minutes, I would appreciate it.

STATEMENT OF ROB BLAIR

Mr. BLAIR. Okay. Thank you. I sure appreciate the opportunity to come back here and speak to you in the great halls of our Nation. My name is Rob Blair, and I represent my family, the High Desert Cattlemen's, the California Cattlemen's and the National Cattlemen's Association, and thank you for the opportunity to share with you how H.R. 518, the California Desert Protection Act, will affect me, my family, my industry, and the California Desert as I have known it.

First of all, it affects my heritage. Like many other ranchers to be affected by this bill, my roots are buried deep within this desert soil. In 1914, my people came to this desert. Now my children are the fifth generation to live and to work on the same piece of land. H.R. 518 will eventually terminate grazing. It will deprive me of my home, my way of life, and not only my heritage but my children's inheritance. This bill does not address my inholdings, water and grazing rights.

Second of all, we maintain the water. Water is the most important resource in the desert. It is important to realize that most of the water that is accessible to wildlife is developed and maintained by ranchers. We own the water rights to many of the sources. We maintain hundreds of miles of water distribution pipeline, maintain wells and develop the few springs that are there. If we leave this desert, the wildlife that depends on our water will surely die off and the biodiversity of the Mojave Desert as we know it today will cease to exist.

Third, grazing benefits the desert. Cattle can convert forage, a renewable resource, into food and fiber for the American public. Through this process we have an effective pruning method which allows the roots to develop and make new room for growth. Desert grazing provides a natural process of fertilizer, reseeding and fire control. The East Mojave is an example of how grazing and range management improve the range conditions. The range in the East Mojave is in better shape now than 150 years ago. Photographs support this trend and my father was a witness to it for the last 50 years. It is ironic now that the range looks so good that this bill proposes to remove the stewardship that nurtured it.

Ranchers contribute to the local economy. Virtually all the local communities oppose this bill. Ranchers and other multiple users contribute significantly to the local economy and tax base.

Lastly, this desert is already protected. We have the 1980 Desert Plan which provides protection for the desert resources. Ranching activities are regulated by Bureau of Land Management. All range projects such as pipelines, water development and maintenance projects have extensive impact studies before they can be approved. Allotment management plans regulate the number of cattle on the

range. H.R. 518 seeks to protect the desert from the cattle. In truth, removing the cattle is trying to fix something that is not broken.

In conclusion, grazing has benefited the desert range, the wildlife, local economy, and the American public. The California Desert is already protected by the 1980 Desert Plan. If this bill passes, I will lose my home, my inholdings, my way of life, and my inalienable rights, which are life, liberty and the pursuit of happiness. Please give me the consideration of coming to the desert and seeing it for yourself before you decide on this vote.

And again, I want to thank you, and I represent my family, the High Desert Cattlemen's Association, the California Cattlemen's Association and the National Cattlemen's Association and we support H.R. 2379, Mr. Lewis' desert bill. Thank you.

[The prepared of Mr. Blair follows:]

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STATEMENT PRESENTED BY

THE

HIGH DESERT CATTLEMEN'S ASSOCIATION
CALIFORNIA CATTLEMEN'S ASSOCIATION
NATIONAL CATTLEMEN'S ASSOCIATION
PUBLIC LANDS COUNCIL
CALIFORNIA WOOL GROWERS ASSOCIATION

and supported by the
AGRICULTURAL COUNCIL OF CALIFORNIA

to the

National Parks, Forests and Lands Subcommittee
of the
Natural Resources Committee
United States House of Representatives

Regarding H.R. 518

cited as the

"California Desert Protection Act of 1993"

June 15, 1993

The High Desert Cattlemen's Association, the California Cattlemen's Association and the National Cattlemen's Association represent beef cattle producers on the local, state and national levels. Combined, members of these organizations produce over 75% of the cattle in the United States. The Public Lands Council represents the 31,000 ranchers who graze sheep and cattle in the fourteen western states.

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CALIFORNIA CATTLEMEN'S ASSOCIATION

The High Desert Cattlemen's Association, California Cattlemen's Association, National Cattlemen's Association, Public Lands Council, California Wool Growers Association, and the Agricultural Council of California are opposed to H.R. 518 as it is presently drafted. This legislation will harm all of the beef cattle ranchers operating on the California desert, and is unlikely to achieve the goals publicly claimed by proponents of the bill.

The California Desert Protection Act as introduced Congressman Lehman, states that its purpose is to "protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West...." However, as currently written, this legislation would virtually wipe out the ranching tradition in the California desert that the proponents are proclaiming to protect.

There are over 200 ranching families with operations in the California desert, converting renewable resources into consumable human products. Continuity of their operations and their livelihoods depends upon respect for and careful management of the desert resources. One testament to their success is that many of the operations have been in the same family for decades (some even for a century) -- surviving through some very adverse times for the beef cattle industry.

The families who operate ranches in the California desert contribute significantly to the local economy. According to Jim Sullins, University of California Cooperative Extension Livestock and Range Advisor, operating expenses for these ranches account for roughly $630,000 in local expenditures annually. The industry also contributes to the state and county tax base, paying state and school taxes on 103,810 acres of private land, county possessory tax

on 1,733,000 acres of federal land, and income taxes on a gross of over $1.1 million annually. The ranches in this area produce enough beef to satisfy the recommended daily allowance for red meat for 8,577 people each year. The loss of these ranches and other economically viable enterprises would devastate desert communities.

A stronger testament to the success of desert ranchers, and to their commitment to careful stewardship of desert resources, is 1990 data on grazing land condition from the Bureau of Land Management. Of the 5.2 million acres of land suitable for grazing in the California desert, 3.2 million acres are in good condition, 1.8 million acres are in fair condition and less than 24,000 acres are in poor condition. This is all the more remarkable considering that a range in "good" condition is near its theoretical optimal state; even without human or livestock influence, rangeland often does not achieve this potential. In addition, this data was collected during one of the most severe droughts in California history.

We are often frustrated that the contributions of these ranchers are overshadowed by a campaign of rhetoric and misinformation by some who either oppose livestock grazing on principle or are motivated by a desire to impose vegetarianism on other people. However, the ranchers' contributions are very significant and will not be replaced if H.R. 518 is approved.

These contributions include water development, which directly benefits wildlife as well as livestock. Hundreds of thousands of acres of land are now available for wildlife only because ranchers develop, maintain and distribute water which is utilized by livestock as well as wildlife. Many of the water sites thus developed and maintained by ranchers have been adapted to ensure easier use by wildlife.

Water development work by desert ranching families is under-estimated by proponents

of H.R. 518 and opponents of livestock grazing -- but few of them have ever had to maintain as much as thirty miles of half-inch pipeline, dig out springs to assure that the water can come to the surface, or repair a windmill damaged by vandals (or worse, replace a windmill destroyed by violent eco-terrorist groups). Maintaining the water for a hundred square mile area is expensive and time-consuming, but it is an integral part of a successful desert cattle ranching operation.

Livestock are compatible with and even complementary to the rare and endangered species of the desert. For example, the desert tortoise was at its highest population when sheep grazing was a dominant use of the desert. The number of domestic sheep grazed on the desert has declined far more rapidly than has the population of desert tortoises (sheep numbers have dropped from over 1 million head in the 1870's to under 50,000 head presently; tortoises have declined from over 750,000 to about 500,000 now).

In fact, activities of ranchers, in water development and grazing management, have allowed many rare and endangered species to live. Were it not for the ranchers, these species may have been overwhelmed by loss of habitat and urban encroachment far sooner. After decades of preserving these species in the natural course of our business, and with a good record of protection, we are now challenged by many who wish to "save" these species -- we have been saving them for decades at our own expense and on our own private, as well as federal, property!

The enactment of H.R. 518, on the other hand, would harm wildlife populations on the desert. The wild burro population in the desert would lose five herd areas or a total of 620 animals. Such a loss would seriously jeopardize the remaining wild burro populations. We

believe, after some investigation, that management of these lands by the National Park Service would eliminate the access and artificial management methods required to maintain the viable wildlife populations already on the desert. The deer, bighorn sheep, chukar and quail populations, which depend heavily upon the improvements made by ranchers and the management provided by the California Department of Fish and Game, would be adversely affected by Park Service management. Such management prohibits development of water and other "artificial" management strategies. Southern California's best hunting areas would be jeopardized.

Ranchers often serve as another set of eyes and ears for the agencies charged with management of the desert. Ranchers are on the desert nearly full time, and work with the agencies on problems that they see as they work their cattle or maintain their ranches. Ranchers do recognize a mutual interest in protecting the resources of the desert. We want to preserve the desert, too, but in a way that allows for multiple uses of the diverse resources of the desert.

Grazing is a management tool to control wildfires (which are a problem even on the desert). In fact, grazing is one of the few natural tools for fire control available to government agencies. A well-managed grazing program can significantly minimize fire danger, while also protecting rare plants and wildlife.

The establishment of an East Mojave National Park would result in the duplication of administration of desert lands by the Bureau of Land Management and the National Park Service. The cost of developing an additional layer of infrastructure and management would place further fiscal strain on the already under-funded National Park System. The

establishment of these new parks in the California desert would very likely drain money from the budgets of other national parks in California and throughout the West, including Yosemite and Yellowstone. In a time of fiscal constraint, additional outlays for duplicative management is unwise.

That ranchers and others hold private property in the desert comes as a surprise to some; however, the desert is not a single block of contiguous federal lands. Rather, it is a checkerboard of intermixed private, state and federal lands.

Ranchers' holdings are special in and of themselves, as they are often based upon ownership of the water rights, earned by developing the water for livestock and wildlife use (i.e. beneficial use). These property rights have a significant value above and beyond the value of the land alone -- they are the heart of a successful desert ranching operation (and the heart of maintaining a diversity of wildlife on the desert).

Ranchers have significant financial investments in the California desert -- over $5 million in direct range improvements (including water sites and fences) on the federal and state lands alone. On top of that, the investment in their private lands will be jeopardized by the loss of grazing on all or part of their BLM allotments -- amounting to tens of millions of dollars.

In fact, we have seen the impact of debate over H.R. 518 on how agricultural lenders value desert ranching operations and operating lines of credit. Lenders are getting more restrictive, even with operations that have adequate cash flow, simply because of the uncertainty created by this legislation.

H.R. 518 does address the disposition of lands owned by the Catellus Corporation and

the State of California. Catellus will be allowed to exchange its lands in the desert for land located anywhere in the United States. Any land which is not exchanged by October 1, 1996 will be exchanged for credits which Catellus may use to purchase real and/or personal property owned or controlled by the United States. Similar provisions exist for California State School Lands for exchanges within the state. Such a land exchange program will most likely require additional legislation in Congress and will drastically change the manner in which future wilderness legislation is implemented.

This legislation, however, offers no compensation for the loss of value and future earnings potential for those who rely upon the desert for their livelihood. The more than 170,000 acres of additional land owned by private parties is not addressed in the legislation. In fact, the twenty five year sunset clause on grazing is of no value to the family ranchers. If H.R. 518 were to become law, ranchers would immediately lose all collateral and therefore any financial support that was previously available from financial institutions.

What is worse about the twenty five year grazing sunset is that it slams the door on the family rancher. The desert rancher is being told that his entire means of creating the worth, tradition, heritage and way of life that have been passed down through the generations will be taken by the Federal Government in the year 2016, or sooner if the Director of the National Park Service so desires. And, because all value has been taken, the ranchers are left with nothing.

However, desert ranchers are not asking for compensation -- they just want to continue ranching in the area they love and where they expect to live their lives. They want to live in an environment where they have an opportunity to interact with the decision-makers, where

they can be a part of the process, seeing their lives ruled by fairness and hard work, not by the political agendas of those who do not live on the desert.

We are also frustrated at the abrogation of the California Desert Conservation Area planning process -- a process that ensured a broad range of public input and consideration of every interest in the desert. We have been disappointed from time to time with how our use of the desert has fared under the recommendations of the Desert Conservation Advisory Committee, but we do wholeheartedly support the process. Every interest has an opportunity to be heard, unlike with H.R. 518, where a single political agenda dominates.

Finally, we object to the fact that no field hearings have been scheduled in California to obtain input from the people most directly affected. H.R. 518, as it is now written, will have a significant devastating impact on the lives and livelihoods of tens of thousands of Californians -- and the Congress will not hear of their concerns unless they are afforded an opportunity to testify at field hearings. We urge the subcommittee to delay any action on H.R. 518 until such time as field hearings can be scheduled. In addition, we object to the fact that we were not invited to take part in this subcommittee hearing. We also regret that neither of California's senators nor the Secretary of Interior have afforded time to meet with ranchers on the desert.

Over a century has passed since the United States government began eradicating an "uncivilized" culture which it did not understand. Native Americans lost their lands, their way of life, and everything that was sacred to them. The California Desert Protection Act will be a repeat of history, only this time the desert ranching tradition and culture will be lost.

Again, the High Desert Cattlemen's Association, California Cattlemen's Association,

National Cattlemen's Association, Public Lands Council, California Wool Growers Association, and the Agricultural Council of California officially are opposed to H.R. 518.

Mr. VENTO. The next witness is Mr. Kurt Hathaway, with the American Motorcyclist Association.

Mr. Hathaway?

STATEMENT OF KURT HATHAWAY

Mr. HATHAWAY. Thank you, Mr. Chairman, for the opportunity today to share our concerns with you in regard to H.R. 518. My name is Kurt Hathaway and I am a professional family man from the Los Angeles area, and I represent a variety of off-highway vehicle enthusiasts who believe they have not been heard in the process of considering this bill and its Senate counterpart S. 21.

As you know, we have been intimately involved in the California Desert for some time. On behalf of our 200,000 members nationwide, 29,000 of whom reside in California, we have played an active role in the formulation of the California Desert Plan. We continue to support that plan and are therefore opposed to H.R. 518, because we believe it circumvents a congressionally mandated plan to involve all the affected parties who wish to access the vast areas we call, collectively, the California Desert.

Conversely, we support H.R. 2379 by Representative Lewis which mirrors the public planning process envisioned in the Federal Land Policy Management Act.

Certainly no group has an exclusive franchise on the term "conservationist." We fully recognize the need for preservation of fragile wilderness areas, as well as providing for multiple-use trails and corridors for all outdoor recreation enthusiasts to use. Without roadways and trail systems, not one among us could access the pristine areas we strive to protect. Without access, there could be no enjoyment of the natural resources which abound in the vast areas of the California Desert. Even hiking trails limited to foot travel represent some environmental degradation. We view properly maintained trails and access corridors not as environmental hazards, but rather as avenues to explore the natural wonders of the desert.

As off-highway vehicle enthusiasts, we too appreciate the wilderness, and we support the professional land managers who are charged with protecting both wilderness and recreational access. All we are asking today, Mr. Chairman, consistent with our involvement in this issue for the previous two decades is to keep long traveled historic and traditional OHV routes and recreational areas open for OHV recreation and access.

It is being argued that the Desert Plan is not working. The plan does work and allows all a say in that process. Take, for example, the Rand–Fremond area of critical environmental concern. Tortoise live here and the OHV community voluntarily reduced the OHV trail mileage from a formerly unrestricted 800 miles down to a very restrictive 129 miles, and we are out there on an ongoing basis assigning approved routes and educating the users as to the need for this change.

This is but one example of where the process of the Desert Plan is working, and it is constantly reducing or restricting vehicular use. This process will not stop after this legislation, but the general public's perception that it is fair and needed will be tarnished.

Perhaps one of our greatest concerns is with the designation of the East Mojave National Scenic Area as a national monument or park. Testimony in previous hearings indicates that this area fails to meet the criteria to justify its existence as a national park. This says nothing of the tremendous cost both near and long term of transferring responsibility from the BLM to the Park Service. As we are all well aware the Park Service backlog currently exceeds $16 billion. Is the creation of a controversial national park worth the cost? We think not. Our members are also taxpayers and they object, as all Americans do, to unnecessary governmental spending.

We would like to highlight our concerns by drawing the committee's attention to a representative area known as the South Algodones Dunes Wilderness Study Area. This area was not recommended by the BLM for wilderness status. Last year, it received 2.8 million visitors. This area is unique in its recreational value and should not have its 64,000 acres closed to OHV access.

Other areas, mostly trails and other travel routes, will be similarly declared off-limits by the passage of this bill, and we would therefore urge a careful area-by-area examination of each proposal before any bill is made law. We also believe that the deliberation of H.R. 5189 cannot and should not occur without considering the impacts of the recently released Fish and Wildlife Draft Desert Tortoise Recovery Plan. Not only will the American taxpayer have to foot the bill for questionable land exchanges, significant loss of sales and tax revenues may be expected if OHV use is curtailed in Southern California. Unemployment will surely rise if workers related to tourism and OHV sales and service are displaced. This raises the question once again, Mr. Chairman, can we really afford this bill?

We urge this committee and Congress to consider our concerns with this legislation in light of this testimony and others. It is clear that H.R. 518 does not enjoy widespread support among those who have traditionally come to expect reasonable access to areas heretofore undeserving of wilderness or park status. Proponents of this bill say H.R. 518 is a compromise bill. To that we reply: The existing California Desert Plan is the true compromise, and it should be allowed to work as it was originally planned by Congress.

Therefore we respectfully urge this committee to reject H.R. 518 and in its place consider the passage of H.R. 2379. Thank you for your time.

[Prepared statement of Mr. Hathaway follows:]

Testimony of
American Motorcyclist Association

Before the National Parks, Forests
and Public Lands Subcommittee of
the House Natural Resources Committee

Regarding:
H.R. 518

Presented by Kurt Hathaway
6645 Day Street
Tujunga, California 91042

June 15, 1993

Thank you, Mr. Chairman, for the opportunity today to share our concerns with you in regard to H.R. 518. My name is Kurt Hathaway and I represent a variety of off-highway vehicle enthusiasts who believe they have not been heard in the process of considering this bill and its Senate counterpart, S.21.

As you know, we have been intimately involved in the California Desert for some time. On behalf of our 200,000 members nationwide, 29,000 of whom reside in California, we have played an active role in the formulation of the California Desert Plan which was done under the auspices of the Carter administration with then Secretary of Interior Cecil Andrus presiding. We continue to support that plan and are therefore opposed to H.R. 518 because we believe it circumvents a Congressionally mandated plan to involve *all* affected parties who wish to access the vast areas we call, collectively, the California Desert. Conversely, we support H.R. 2379 by Rep. Lewis which mirrors the public planning process envisioned in the Federal Land Policy and Management Act of 1976 (FLPMA). His bill, H.R. 2379, would preserve 2.3 million acres of California public lands, and while no legislative vehicle is ever perfect, this one comes as close as possible and therefore warrants our support.

Certainly, no group has an exclusive franchise on the term "conservationist." We fully recognize the need for preservation of fragile wilderness areas, as well as providing for multiple use trails and corridors for all outdoor enthusiasts to use. Without roadways and trail systems, not one among us could access the pristine areas we strive to protect. Without access, there can be no enjoyment of the natural treasures which abound in the vast areas of the California Desert. Even hiking trails limited to foot travel represent some environmental degradation. We view properly maintained trails and access corridors not as environmental hazards, but rather as avenues to explore the natural wonders of the desert.

Certain areas should be preserved as wilderness to protect their inherent beauty and native wildlife that could easily be lost if proper management of those areas is not responsibly employed. As off-highway vehicle enthusiasts, we too appreciate the wilderness, and we

support the professional land managers who are charged with protecting both wilderness and recreational areas. All we are asking today, Mr. Chairman, consistent with our involvement in this issue for the previous two decades, is to keep long travelled, historic and traditional OHV routes and recreational areas open for OHV recreation and access. We do not seek to open areas which should remain closed to motorized vehicles.

H.R. 518 and its Senate companion S.21 would effectively lock us out of many traditional areas. By designating large tracts of land as "wilderness" or "parks," Congress would preclude the use of those lands for responsible trail and roadway recreation. Others, who are unable to reach these areas without the use of a motor vehicle would be shut out, and only those persons with the time, health and resources to travel on foot to and through wilderness areas could conceivably enjoy them. This we cannot abide.

Perhaps one of our greatest concerns is with the designation of the East Mojave National Scenic Area as a national monument or park. Testimony in previous hearings indicates that this area fails to meet the criteria to justify its existence as a national park. This says nothing of the tremendous costs, both near and long term, of transferring responsibility from the BLM to the Park Service. As we are all aware, the Park Service backlog currently exceeds $6 billion. Is the creation of a controversial national park worth the additional cost? We think not. Our members are also taxpayers and they object, as all Americans do, to unnecessary governmental spending, especially in these times of economic uncertainty and austerity. Similarly, vehicular access would be severely restricted in much of the proposed Joshua Tree and Death Valley National Parks.

We would like to highlight our concerns by drawing the Committee's attention to a representative area known as the South Algodones (Imperial) Dunes wilderness study area (WSA 362). This area was <u>not</u> recommended by the BLM for wilderness status. Last year, it received over 1.3 million visitors according to previous Senate testimony. This area is unique in its recreational value and should not have its 62,000 acres closed to OHV access. Other areas, mostly trails and other travel routes will be similarly declared off-limits by the

passage of this bill and we would therefore urge a careful, area by area examination of each proposal before any bill is made law.

We also believe that deliberation of H.R. 518 cannot and should not occur without considering the impact of the recently released Fish and Wildlife Draft Desert Tortoise Recovery Plan. Together, with H.R. 518, the acreage which may not be accessed by the public will effectively double. Less than three million scattered acres having few contiguous boundaries will remain to be shared by all multiple use interests. No areas will remain, if both plans are implemented, that are capable of absorbing the number and diversity of motorized recreational activities.

Not only will the American taxpayer have to foot the bill for questionable and tremendously expensive land exchanges, significant loss of sales and tax revenues may be expected if OHV use is curtailed in southern California. Tourism will be thwarted and travellers from other states will be forced to look elsewhere for recreational opportunities. Unemployment will surely rise if workers related to tourism and OHV sales and service are displaced. This raises the question once again, Mr. Chairman, can we really afford this bill? Resolutions against this bill by the cities of Barstow, Blythe, Needles, Twentynine Palms and by the counties of San Bernadino, Inyo and Kern would tell us "no."

We urge this Committee and Congress to consider our concerns with this legislation in light of this and other testimony. It is clear that H.R. 518 does not enjoy widespread support among those who have traditionally come to expect reasonable access to areas heretofore undeserving of wilderness or park status. Proponents of this bill say that H.R. 518 is a "compromise bill." To that we reply: "The existing California Desert Plan is the true compromise," and it should be allowed to work as originally planned by Congress. Therefore, we respectfully urge this Committee to reject H.R. 518 and in its place consider the passage of H.R. 2379.

Mr. VENTO. We next want to hear from Mr. James Reddy, the California Mining Association.

Mr. Reddy?

STATEMENT OF JAMES REDDY

Mr. REDDY. My name is James Reddy. I am president of Pleuss–Staufer (California), and I am before you today representing the California Mining Association. My company, Pleuss–Staufer, produces high grade calcium carbonate for use in plastics, paint, carpets, bathtubs, PVC, rubber, and many, many other products. Our Lucerne Valley operation employs 75 people. We purchase approximately $8.5 million annually from local vendors, and we are responsible for $350,000 in taxes, fees and related payments annually. We appreciate the opportunity today to clarify some misconceptions about the mining industry's position on the Desert legislation.

First, we hear and read that the mining industry is opposed to desert protection. That is not true. The mining industry has been an active participant in the desert planning process dating back to the development of the Desert Plan under President Carter and Secretary of the Interior Cecil Andrus. The industry recognizes the need to protect those areas which meet the criteria for protection established by Congress in the Wilderness Act of 1964.

Second, we hear and read that the legislation is necessary to prevent the mining industry from decimating the entire desert. We heard that a little bit this morning from Secretary Babbitt, by the way. This isn't true either. Mining activity is closely regulated by local, State and Federal agencies. Also, only 1 percent of the land in the California Desert is in mineral production.

We hear and read that mining industry concerns with this legislation have been addressed by excluding working mines, and the promise to honor valid existing rights. In fact, there are many areas where small operations or advanced exploration projects will be affected. History as well as practice has shown the valid existing rights language to be an empty promise.

The mining industry's concern about this legislation is not only about what is operating today. Somebody once said, People want things and things are made out of stuff. Well, that is what miners do. We get the stuff to make the things. No stuff, no things. Mining from existing reserves is fine for the things we need today. But miners are also a little different than normal Americans. We take kind of a longer term view and we look for the things to ensure that our grandchildren and that their grandchildren will have the things that are necessary for them to enjoy life.

My company's experience is a case in point. In preparation for the depletion of our reserves, the search began about a decade ago that ultimately located a site in the New York Mountains in the East Mojave Scenic Area. We encourage and support actions to base desert legislation on the congressionally mandated desert planning process, and for that reason the California Mining Association supports the California Desert and Employment Preservation Act of 1993 introduced by Congressman Jerry Lewis and other desert Congressmen.

However, despite these views, we understand that the California Desert Protection Act has widespread support, and for that reason the industry prepared at the request of Senator Feinstein a detailed outline of suggested boundary adjustments to allow a minimal amount of mineral production from the California Desert. These minimal adjustments would make less than an 8 percent change to the 7.5 million acres proposed in this legislation. Many of the key areas have been discussed earlier, including a borate geology deposit in Death Valley National Park proposed area, gold mines in Imperial County, and a sulfur mine north of Death Valley.

But perhaps the most compelling example of the type of area which should be dropped from the California Desert Protection Act is 200,000 acres, about 3 percent, in the northern part of what is proposed as the East Mojave National Park. This is an extensive region of historic and current mining activity including two active gold mines, a major calcium carbonate deposit upon which a plan of operation has been filed, advanced exploration activities for precious metals, Lanthanides, industrial garnet and limestone. It also includes water sources and access routes, a small community, and numerous private property holdings located on either side of the Ivanpah Valley. None of that mineral activity will continue or can be developed if the area is in a national park.

This is the location of Pleuss-Staufer's, my company, calcium carbonate deposit that is critical if our company is to remain in operation in California. If this suggested exclusion were adopted, Pleuss-Staufer would be able to continue pursuing the difficult task of permitting this project. We are not asking for permission to mine, just permission to continue the permitting process.

So far we have invested more than $300,000 in this property. Our exploration has identified deposits exceeding 130 million tons of high purity calcium carbonate. We project a 100-year mine life with a gross mineral value of $6.25 billion—with a "b." The project would support 452 jobs at our company and in connected industries, with a $500 million benefit to San Bernardino County.

We recognize our environmental responsibilities and are designing the project carefully to minimize visual impact, noise, and air quality concerns. Of course, our plans would be subject to the extensive scrutiny of the Bureau of Land Management and other local, State and Federal agencies.

You have heard of many concerns and projections of costs if the California Desert Protection Act is adopted in its present form. The mining industry, unfortunately, can't predict for you when changing market demands, new technology, and ongoing exploration will make deposits viable for the next century. We can state that those deposits will be lost forever if this Act is not modified.

Thank you for the opportunity to express these views.

Mr. VENTO. Thank you. And, if you could share that valuation that you did for Senator Feinstein with us, we think we would find it interesting and, perhaps, useful.

Mr. REDDY. We are. It is right now being prepared by the California Mining Association, an extra copy, and it is being sent to your committee.

Mr. VENTO. Thank you.

[Prepared statement of Mr. Reddy follows:]

TESTIMONY
OF
JAMES REDDY, PRESIDENT
PLEUSS-STAUFER
REPRESENTING THE
CALIFORNIA MINING ASSOCIATION

ON
HR.518
THE CALIFORNIA DESERT PROTECTION ACT
OF 1993

BEFORE
SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES

JUNE 15, 1993

I am James Reddy, president of Pluess-Staufer (California) Inc. I am before you representing the California Mining Association.

California produces $3 billion worth of minerals each year. The California Mining Association's 57 mining company members represent the major producers of virtually all industrial and metallic minerals.

Pluess-Staufer produces high grade calcium carbonate for use in plastics, paint, carpets, bathtubs, PVC, rubber, and many other products. Our Lucerne Valley operation employs 75, purchases approximately $8.5 million annually from local vendors, and is responsible for $350,000 in taxes, fees and related payments annually.

After numerous hearings on this issue, we appreciate the opportunity to clarify misconceptions about the mining industry's position on the desert legislation, as well as to describe the industry's specific findings.

First: We hear and read statements that the mining industry opposes desert protection legislation. This is not true. Until legislation is passed by Congress which completes the desert planning process begun in 1976, all lands under consideration for wilderness are being managed for those values, to the exclusion of mineral exploration and development.

Second: We hear and read also that the mining industry is opposed to desert protection. This is not true. The mining industry has been an active participant in the desert planning process dating back to the development of the Desert Plan under President Carter and Secretary of Interior Cecil Andrus. The industry recognizes the need to protect those areas which meet the criteria for protection established by congress in the Wilderness Act of 1964.

Third: We hear and read that legislation is needed to prevent the mining industry from decimating the entire desert. This is not true. Mining activity is closely regulated by local, state and federal agencies to minimize impacts. And only one percent of the land in the California desert is in mineral production.

Fourth: We hear and read that mining industry concerns with this legislation have been addressed by excluding working mines, and the promise to honor valid existing rights. In fact, there are many areas where small operations or advanced exploration projects will be affected. History as well as practice has shown the valid existing rights language to be an empty promise.

The mining industry's concern about this legislation is not only about what is operating today. Without the ability to explore the vast areas included in the bill, it will not be possible to locate deposits that can replace existing resources. They will not be replaced by California, or probably even domestic, production.

Someone once said "people want things, and things are made out of stuff, and miners get that stuff to make the things." Mining from existing reserves is fine for the things we need today, but miners are always taking the longer term view to insure our grandchildren, and their grandchildren can continue to have the things that will be necessary their enjoyment of life.

My company's experience is a case in point. Every mining company must prepare for the depletion of its resources. In our case, the search for our unique, high purity calcium carbonate began about a decade ago. That search ultimately located a site which could meet our needs in the New York Mountains located in the East Mojave Scenic Area.

In 1976, Congress recognized the importance of continued economic production from the most highly mineralized region in the Continental United States. Congress ordered that a Desert Plan be implemented and that those lands be inventoried for their mineral wealth before wilderness designation. It is ironic that the California Desert Protection Act pending before you ignores both that planning process and the mineral inventory.

We encourage and support actions to base desert legislation on the results of that extensive and costly planning process which has fulfilled the Congressional mandate. For that reason, we support and encourage your careful scrutiny of the California Desert and Employment Preservation Act of 1993 introduced by Congressman Jerry Lewis. The California Mining Association has supported that position despite designation of some key mineral areas as wilderness. We recognize the mandate of the planning process to balance environmental and economic values.

Despite our views, we understand that the California Desert Protection Act has widespread support and that the current Administration has endorsed its concepts.

For that reason, the industry prepared, at the request of Senator Feinstein, a detailed outline of suggested boundary adjustments to allow even a minimal amount of mineral production to be sustained from the California desert. These minimal adjustments include virtually no areas proposed during the Desert Plan process for wilderness. They would make less than an eight percent change to the 7.5 million acres proposed for withdrawal from mineral exploration and development in this legislation.

Many of the key areas included in this proposal have been discussed with you earlier. For example, much of the world's richest borate geology is included in the expanded Death Valley National Park proposal, and some has been included in wilderness. In another location, several key exploration areas are located adjacent to and in a proposed wilderness which falls on a major mineralized trend. That trend has supported development of three major gold mines in Imperial County and another property is in permitting. It also draws attention to sites such as a working sulfur mine north of Death Valley which was excluded from wilderness, but remains within the expanded boundaries of the National Park.

But perhaps the most compelling example of the type of area which should be dropped from the California Desert Protection Act is 200,000 acres in the northern part of what is proposed as the East Mojave National Park.

This is an extensive region of historic and current mining activity including two active gold mines, a major calcium carbonate deposit upon which a plan of operation has been filed, advanced exploration activities for precious metals, lanthanides, industrial garnet and limestone. It also includes water sources and access routes for those properties, a small community, and numerous private property holdings located on either side of the Ivanpah Valley. None of that mineral activity will continue or can be developed if the area is contained in a national park.

This is the location of Pluess-Staufer's calcium carbonate deposit that is critical if our company is to remain in operation in California. If this suggested exclusion were adopted, Pluess-Staufer would be able to continue pursuing the difficult task of permitting this project under the stringent environmental rules of the Bureau of Land Management. In addition to the other impacts and projects, this exclusion request also includes access to the property.

Pluess-Staufer has invested more than $300,000 in the property. Our exploration has identified nine major deposits with a reserve exceeding 130 million tons of high-brightness, high-purity calcium carbonate. We project a 100-year mine life with a gross mineral value of $6.25 billion. The project would support 452 jobs at our company and in connected industries, with a $500 million benefit to San Bernardino county.

We recognize our environmental responsibilities and are designing the project carefully to minimize visual impact, noise and air quality concerns. Of course, our plans would be subject to the extensive environmental scrutiny of the Bureau of Land Management, which has been shown to be extremely strict for companies attempting to operate in the East Mojave Scenic Area.

You have heard of many concerns and projections of costs if the California Desert Protection Act is adopted in its present form. The mining industry unfortunately can not predict for you when changing market demands, new technology, and ongoing exploration will make previously infeasible deposits viable for the next century. We can state that those deposits will be forever lost if this Act is not modified.

But there is an even greater expense to this legislation: Implementation of this bill in the face of studies by expert public land managers which find that these properties do not meet the criteria for wilderness and park designation degrades those designations and their use on truly qualifying areas.

I personally concur with these professional land managers. Over the last 20 years I have camped and hiked in nearly every National Park and National Monument in the western United States. Since moving to California my wife and I are in the desert or mountains nearly every weekend, including the 200,00 acre area I discussed earlier. This is not National Park standard land, and is adequately protected and designated today by the Bureau of Land Management.

For the mining industry, the result is the closure of a vast area without a showing of adequate justification for that action. For California, it means the unnecessary departure of yet another industry from our state.

Thank you for the opportunity to express these views and concerns.

Mr. VENTO. We have next Mr. Riedy.

STATEMENT OF NORBERT RIEDY

Mr. RIEDY. Thank you. My name is Norbert Riedy. I live in California. I am here to represent The Wilderness Society which, as you know, strongly supports passage of H.R. 518.

I would like to say on a personal note here that I, with you and your staff, have sat through all of these hearings, and I am glad I have a chance to say something finally because I have been itching for it.

The proposals put forth in the California Desert Protection Act do not ask for unlimited economic or personal sacrifice for the people of the region. The boundaries of the proposed park and wilderness areas recognize the need for the traditional economic and recreational activities of the region to continue. I know you will put my full statement in the record, so I would like to summarize a couple issues, if I may, including a little bit about mining and the fact that in the region as a whole mining jobs account for only 1.6 percent, talk a little bit about the impact of livestock grazing to wildlife, and also recreation access.

I would like to start with the recreation. See the map or drawing to my right? It depicts the Algodones Dunes system in the southeast corner of the State which has been mentioned several times today. I have heard the statement here that the proposal for the South Algodones Dunes Wilderness Area will close down the areas where 2 million people a year recreate. Well, let's look at the facts.

The drawn-in area is the whole dune system. It is quite extensive. The two white areas in the middle are the proposed wilderness units. The one in the upper part of the drawing is the North; the one that is to the south is the South Algodones. The intensive use areas currently in this dune system are primarily in the south and central, but the Mammoth Wash area to the north is available for unlimited off-road vehicle play. The area in the center, these are the blue dashed areas, is open for unlimited use in the Gecko and the Glamis areas. The green areas depict areas with limited use—sticking to trails, vehicles can go. Then the southern area, which is warped a little bit in the transmission from map, includes the Patent Valley, the Buttercup area, and the Dune Buggy Flats. Those are the areas in the Algodones Dunes that get the intensive use.

The South Algodones Dunes Wilderness Study Area does have unique ecological features. It and the northern unit have some species that overlap of plant and wildlife which are rare, but they also each have the individual species that are found not in the other unit, and so we think it is very important to protect both of those units, yet at the same time leave open significant areas for the economic benefits and the recreational benefits that so many people spoke about so well.

I think that represents generally the issue of recreational access. Each and every one of the wilderness areas in this bill will be reachable by a road. Popular 4-wheeler drive routes such as the Mojave Road will remain open to use. There will be minimum closures. Those are designed to restrict access across sensitive wildlife habitat such as desert tortoise habitat, where a parallel route ex-

ists nearby, and the desert is very open—it is easy to have parallel routes just a half mile or quarter mile apart—and where access by vehicle threatens archaeological or wildlife resources.

Essentially, for the vast majority of visitors to the desert, access to these areas will not change. There are going to be significant changes in the future for the traditional industries, especially livestock grazing and hardrock mining in the region, and I want to first talk about the livestock grazing.

These might be difficult to see. You might want to come up after we have finished. You see the cross-hatched areas represent the U.S. Fish and Wildlife Service's Draft Plan for Desert Tortoise Areas, where livestock grazing will be excluded. The two units of the proposed park—there are 2 of the 8 units that overlap extensive parts of the proposed national park. In the north, it is the Landfair Valley area, which includes some of the area that the Mining Association would like to see excluded. It includes extensive language. And in the area to the southeast is the Ivanpah Valley. This is the Landfair Valley in the southeast. That area too, in a draft plan by the Fish and Wildlife Services, calls for restrictions in livestock grazing in those areas. So whether or not the desert bill passes grazing in the Mojave and the region as a whole is going to have to change dramatically because of the impacts to wildlife resources.

Now, if you could flip the chart to show the bottom overlay.

I want to talk about mining and the impacts to the mining industry a little bit. Changes are occurring in the mining industry. It is no longer the generator of a large portion of the region's jobs. In fact, today it provides only 1.6 percent of the region's jobs and that percentage has been declining for years.

Assertions that H.R. 518 will impact thousands of jobs are absolutely groundless. The Desert Protection Act will have no near-term impact on mining jobs, and the long-term impact will be negligible given the millions of acres of land that will remain open for mineral development.

Attached to my testimony is a report by Dr. Robert Hrubes, a resource economist at LSA Associates, who did a study for us of the impacts on mining jobs in the California Desert from this legislation, and I am not sure if you can see it from that distance, but the boundaries of this proposal were drawn recognizing the importance of the mining industry to the region and to the State as a whole. No mines are located in any of the designated wildernesses. In two of the park areas there are some mines. There are six mines, active mines, right now in the two park areas to the north. One, at the very north end of Death Valley is the sulfur mine with about 12 employees, and to the very south end is the Ellie Mine, an occasional operation of about five or six people.

In the East Mojave you have the Viceroy Gold Mine to the east, you have the Colosseum Gold Mine, the Ackin Center Mine and the Morningstar Mine. Three of those, the Colosseum and the Morningstar Mine, are in shutdown phase and going to reclamation, according to the Bureau of Land Management. The Ackin Mine, which is the cinder mine destroying the national natural landmark and the BLM has been trying to put it to bed for years,

is currently in court and they believe this time around they will be able to close down that operation.

So, in the end there are going to be three operations within these boundaries. They will employ, Viceroy being the vast majority of them, about 250 people. So the claims of thousands and thousands of job losses are just irresponsible.

Of approximately 3,500 non-fuel mining jobs in the entire region, only about 2,350 will be within the park proposals, and the valid rights provision will allow for continued operation of those claims even within the park, as we have today in the existing Death Valley Monument a borate operation.

Dr. Hrubes' analysis also found that the 1989 mining industry study that suggested tens of thousands of mining jobs would be affected by the legislation used factually indefensible assumptions and an inappropriate econometric model to generate its conclusions. That study assumed that all mining would cease in the California Desert after 50 years if this legislation is passed, when in fact millions of acres of Federal, State and private land will remain open to mining activity.

In addition, existing reserves at places like Boron and at Mountain Pass Mine where they mine the rare earths will last for centuries, according to data from the Bureau of Mines.

The desert's new reality is that it is economic future may very well be tied to the preservation of wildlands and parks. New data from the National Park Service demonstrates that the two existing monuments, Death Valley and Joshua Tree, currently contribute, combined, $120 million a year annually to the regional economies. They also generate nearly 2,000 jobs—that is on a regular basis—for an unlimited period of time. The resources within Death Valley and Joshua Tree should not be played out like an ore deposit and will last more than 10 years, more than 20, hopefully for thousands of years. These resources are the future job creators of the desert region.

Finally, the Field Institute public opinion survey in the desert counties of California during September of 1992 and February of 1993 found that more than two-thirds of the respondents living in the desert supported designation of the Mojave as a National Park. The vast open desert has its limits. It cannot continue to provide unlimited urban expansion, mining, livestock grazing or poorly managed motorized vehicle access. As Wallace Stegner, who for more than 60 years camped, hiked and drove through the California Desert described it in a statement to Congress several years ago, "What one pleads for here is a policy of multiple sustainable use to replace the present irreversible wastage and destruction of the resource. The rugged, desolate, primitive, wild character of a region will not remain so unless we dedicate ourselves to preserving it." The California Desert Protection Act will preserve those resources while preserving opportunities for traditional recreation, economic stability and jobs.

Thank you. I am willing to answer any questions you may have.

Mr. VENTO. Yes. Thank you.

[Prepared statement of Mr. Riedy follows:]

THE WILDERNESS SOCIETY

TESTIMONY OF NORBERT RIEDY,
SENIOR POLICY ANALYST, CALIFORNIA REGION OF
THE WILDERNESS SOCIETY

BEFORE THE SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS
CONCERNING H.R. 518, THE CALIFORNIA DESERT PROTECTION ACT OF 1993
AND
H.R. 880, THE CALIFORNIA MILITARY LANDS WITHDRAWAL AND
OVERFLIGHTS ACT OF 1993

JUNE 15, 1993

Mr. Chairman and members of the Subcommittee, on behalf of the 300,000 members of The Wilderness Society, I welcome this opportunity to express our very strong support for H.R. 518, the California Desert Protection Act of 1993. I also appreciate the opportunity to discuss H.R. 880, concerning military land withdrawals and overflights in the California Desert.

Protection of the extraordinary and fragile California Desert is one of the highest priorities of The Wilderness Society. The Desert contains some of America's most spectacular, diverse, unique and fragile landscapes. It includes thousands of species of wildlife and plants, Native American cultural sites and artifacts, unique geological features, and outstanding opportunities to experience wilderness. It is time to give these irreplaceable resources the protection they urgently need and deserve by passing the California Desert Protection Act.

The product of many years of discussion, analysis, and modification, H.R. 518 is a compromise proposal. It responds to overwhelming public sentiment for greater protection of the Desert. H.R. 518 protects the best of the remaining Desert wild lands for current and future generations, while also allowing for the continuation of activities such as mining, off-road vehicle use, hunting, and other activities in the Desert region.

We urge the House to pass H.R. 518 without any additional changes that would further reduce protection of the Desert's fragile resources.

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THE COMPROMISES HAVE BEEN MADE, IT'S TIME TO PASS H.R. 518

H.R. 518 is the culmination of more than 16 years of detailed work and compromise. It is based on technical analysis and studies by Bureau of Land Management (BLM) and National Park Service professional staff, plus input from thousands of people and more than one hundred organizations interested in conserving wildlife habitat and recreational opportunities. During the seven years the proposal has been pending before Congress, it has been extensively discussed, analyzed, and modified.

During the 102nd Congress, The Wilderness Society was party to numerous compromises adopted in the House-passed version of the legislation, H.R. 2929, to accommodate off-road vehicle use, mining, utilities, military, and land management considerations. We accepted changes which significantly reduced the scope of proposed protection for the Desert by shrinking the boundaries of numerous wilderness areas and eliminating five areas entirely. H.R. 2929 resulted in the net **deletion** of nearly 200,000 acres from the proposal. As introduced in the 103rd Congress, H.R. 518 incorporates nearly all of the changes that were in H.R. 2929 as passed by the House in the 102nd Congress, including changes which reduced the proposal by 200,000 acres.

Despite years of discussion, analysis, hearings, and numerous changes to the original proposal, and despite strong public support for enactment of H.R. 518, the opponents of Desert protection continue to seek changes. The changes they seek are not new: they have been made and rejected in the past, and they should be rejected again now. For example, the American Motorcycle Association is proposing changes that even the BLM rejected under the Bush Administration. Mining interests are proposing deletions of areas from park or wilderness designations even though H.R. 518 recognizes all valid existing rights, and even though there has been ample opportunity in the seven years since introduction of the proposal for mining companies to conduct the limited amount of work to establish a valid existing right.

In short, we believe that all of the accommodations to the Desert bill that are appropriate have been made already. We agreed to some of these changes and have very reluctantly accepted others as necessary to secure passage of the bill by the House. **We see no need for additional changes to H.R. 518.**

We also see no reason for further delay in passage of this compromise legislation. The first version of the California Desert Protection Act was introduced seven years ago; today marks the eleventh hearing on the proposal. Surely, there is ample information available to end the gridlock and take final action on this bill.

THE NEED FOR ACTION

The cost of additional delay in passing the California Desert Protection Act would be significant in two key ways:

(1) the unique resources and frontier character of the remaining natural areas in the Desert will be further degraded; and

(2) the people of the region and of the United States, including those with business interests in the region, will continue to be denied the certainty they need to plan and carry out a wide variety of activities in the Desert region.

The California Desert contains some of the most wild and beautiful landscapes in America, but these lands are being continually degraded. The fragile desert soils, scarce water, unique ecosystems, irreplaceable archaeological sites, and spectacular scenic beauty are receiving too little protection in the face of a variety of development pressures. The opportunity to experience what remains of the frontier quality of the region is rapidly disappearing as development spreads. The public has lost much of this priceless heritage already; it is time to save the best of what remains as a lasting gift to future generations.

Congress has long recognized the special significance of the California Desert, as well as the need to treat it with utmost care. In language that is as true today as when it was written 17 years ago as part of the Federal Land Policy and Management Act, Congress described the area this way:

> "The California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed; the California desert environment and its resources, including certain rare and endangered species of wildlife, plants and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California." (P.L. 94-579, Sec. 601 (a))

A bold plan was envisioned for the California Desert Conservation Area when it was established by Congress in 1976. But the development and execution of that plan by the Bureau of Land Management (BLM) has been a failure.

We understand and appreciate the effort being made by the new Secretary of the Interior, Bruce Babbitt, to improve morale within the BLM by praising their efforts and taking pains to avoid discussing problems or criticizing their management of public lands. But the harsh reality is that BLM's management of the California Desert Conservation Area has not provided the protection and appropriate management that Congress intended. Damage from unauthorized off-road vehicle activity, excessive mining, and overgrazing are continuing problems.

Unauthorized ORV Activity. The Office of Inspector General of the Interior Department reported in 1991 on their investigation of BLM's management of off-road vehicle use in two of the five Resource Areas in BLM's California Desert District. According to the IG's report (No. 91-I-654), BLM personnel acknowledged they had completed only about half of the inventory of vehicle access routes, and that an "estimated 600 miles of unapproved vehicle routes have been created annually" in the two areas.

The report goes on to say that BLM personnel estimate that "to mitigate for the degradation of vegetation, soils, and wildlife that has occurred on these lands [in the two resource areas], an estimated 3,500 miles will require reclamation at an average cost of $250 per mile, for a total cost of $875,000." It is likely that activities on motorcycles and other types of ORVs are causing similar costly damage to the other three BLM areas in the Desert District that the IG's office did not examine.

Damage to Wildlife. A 1989 GAO report (GAO-RCED-89-171) found glaring failures in BLM's treatment of wildlife resources under the BLM's management plan for the Congressionally established California Desert Conservation Area:

> "While BLM considered wildlife needs during its overall land use planning process for the California Desert, the wildlife protection objectives envisioned in the overall land use plan have not been achieved. More than 8 years after the plan was issued, nearly one-half of the required wildlife management implementation plans have not been developed. In addition, BLM's progress in implementing completed plans has been limited. Nearly half of the wildlife-related actions called for in the completed plans GAO reviewed have not been started and many others have been only partially completed. Actions not completed include many that are considered critical by BLM biologists."
>
> "...data available on several species including the desert tortoise - an important indicator species for the overall health of the area's habitat - indicate that the effects are not favorable. Desert tortoise numbers have decreased dramatically in recent years, and according to tortoise experts, the species may now be sliding irreversibly toward extinction."
>
> BLM's response to this report was to blame funding shortfalls. But GAO found:
>
> "Even if more funds were made available, however, BLM has not demonstrated the willingness to take actions necessary to protect wildlife interests. For example, it has permitted motorcycle races and established off-highway vehicle "free play" areas in important desert tortoise habitat, has allowed livestock grazing that is harmful to various species, and has frequently not placed sufficient restrictions on mining operations to reduce adverse effects on wildlife."

The Social Costs of Delay. In addition to the continued degradation of fragile resources, the delay in enacting the California Desert Protection Act also has a high social cost. Delay means continued uncertainty for the people in the region who need to have the Desert issue resolved so that they can plan activities, including business decisions, with certainty about the status of the lands involved in H.R. 518.

In particular, the mining industry, utilities, State Lands Commission, Catellus Corporation, and people in business in the surrounding communities are eager to end the uncertainty about the future of these lands. All of them will benefit from the increased predictability about the use of these lands that will occur only when this legislation is enacted.

PUBLIC SUPPORT FOR PROTECTING THE DESERT

The California Desert Protection Act presents the 103rd Congress with an excellent opportunity to demonstrate leadership and action on a significant land conservation issue which has very strong public approval from all over the country. Nowhere is that support greater than in California. In 1988, The Wilderness Society asked the Field Institute to conduct a statewide poll on public attitudes about the California Desert. It revealed that three-quarters of Californians want greater protection for their Desert ecosystem.

A September 1992 poll by the Field Institute revealed that by a margin of 3-1, Californians support establishing a national park in the East Mojave, with an end to new mining claims and a phase out of grazing. The poll results also showed that support for the Mojave National Park is just as strong in the Desert region as it is statewide. We note this particularly in light of previous statements by Congressman Lewis that his constituents do not favor the bill: these poll results show that he is out of touch with the majority of his constituents on this issue.

Even more recently, in February of 1993, the Field Institute again surveyed Californians. The key tables from this poll are attached to our testimony for inclusion in the hearing record. The Field Institute found strong majorities statewide, and within the Desert region, for designating the Mojave National Park even though hunting will be prohibited. Specifically, the opinion survey found that 75 percent of those surveyed favor national park status for the Mojave even knowing that hunting will be prohibited in the area. **Even two-thirds of the households with hunters surveyed by the Field Institute survey support establishing the Mojave National Park without hunting!**

To date, 15 counties and 34 cities representing more than 66 percent of the state's population are on record in support of the California Desert Protection Act. In addition to the state's ten largest cities, representing over 10 million people, the list includes the Desert communities of Riverside, Palm Desert, Rancho Mirage, Hemet, Desert Hot Springs, and four of the largest cities in San Bernardino County - Redlands, Yucaipa, Upland and Ontario. Also, over the past few years more than 1,600 scientists and educators from universities and research institutions have endorsed the California Desert Protection Act.

The strong public support for desert protection has been reflected in editorials across the state. The Los Angeles Times, San Diego Union, Fresno Bee, San Francisco Examiner, Sacramento Bee, and San Bernardino Sun are among the newspapers which have issued editorials in support of enacting the California Desert Protection Act.

H.R. 518 IS A COMPROMISE

The California Desert Protection Act would bring long-overdue fairness and balance to management of the region's public lands. The Desert region has been subjected to extensive urban or suburban development and activities such as mining, off-road vehicle use, and livestock grazing. Claims of "lock-up" by the bill's opponents

are hollow diversions to deflect attention from their lopsided control of the region's public lands for many decades.

The numerous compromises made in the evolution of the California Desert Protection Act illustrate the extensive efforts by Congressional sponsors and supporters to resolve legitimate conflicts and ensure that the bill is fair and balanced.

Extensive accommodations have been made for the mining industry. Using information from the Bureau of Land Management, U.S. Geological Survey, Bureau of Mines, and the State of California during the initial drafting of the bill, the boundaries in the proposal were drawn to avoid known or significant potential mineral conflicts. Each time the bill has been reintroduced, additional boundary changes were made to accommodate mining interests. For example, nine boundary changes were made in 1989 specifically for mining concerns. In 1991, the House-passed bill reduced wilderness and park areas by another 50,000 acres to accommodate mining interests.

We continue to strongly oppose any further changes in the boundary of the Mojave to delete the claimblock of Viceroy Gold Corporation. H.R. 518 already reflects compromises made in the bill previously for Viceroy, specifically to roll back the boundaries of two wilderness areas to avoid Viceroy's mine and claimblock.

There are two key reasons why we oppose any further boundary changes for Viceroy. First, their existing operation will not be impacted by the management of the area by the National Park Service; this is due to the reclamation and environmental protection requirements that were part of a settlement by Viceroy with environmental groups, including The Wilderness Society, who threatened legal action to force the BLM and Viceroy to adopt reasonable protection standards. Second, any future mining activity involving lands within the claimblock where Viceroy might have valid existing rights can be handled through the Mining in the Parks Act as administered by the National Park Service. The claimblock is part of the watershed and ecosystem of the east side of the Mojave, and also is a significant part of the viewshed. Common sense dictates that the whole area be under the management of the National Park Service. We note also that as of January 1992 there were 43 active mining operations with existing National Park Service units; the agency has the personnel and expertise to deal with Viceroy Gold's mining activity.

H.R. 518 also contains extensive compromises for off-road vehicles (ORVs). The drafters of the initial proposal considered the need for access into the desert and the opportunity for ORV use on public lands. As a result, this proposal is extraordinary in accommodating vehicular access for recreational use of the desert.

More than 33,000 miles of roads and jeep routes will remain available for access to public lands after enactment of H.R. 518. The BLM's access guides were used to maximize the number of primitive routes left open under the Desert Protection Act. More than 18,000 miles of primitive routes -- enough to go more than half way around the world -- will remain available for ORV use. Overall, nearly half a million acres of

ORV use areas (amounting to an area the size of the state of Rhode Island), and popular routes such as the Mojave Road, will remain available.

No one who has carefully reviewed the situation in the California desert can say that H.R. 518 seriously limits access to desert public lands. In fact, every wilderness unit in the bill can be reached by a road, ensuring lasting access to all who seek to enjoy the quiet beauty of the region.

PARKS FOR PEOPLE

The United States is unique among the nations of the world in having the foresight to protect premier natural areas, for the benefit of humanity, through our National Park System and our National Wilderness Preservation System. The California Desert Protection Act will add significantly to the great legacy that we pass on to future generations through these systems.

Mojave National Monument. Although the proposal to establish the Mojave National Monument is the most controversial aspect of H.R. 518, there is no reason for the controversy. Studies by BLM and National Park Service resource professionals document that the East Mojave fully qualifies for park or monument designation. Moreover, because the Mojave lies between the burgeoning human populations of Los Angeles and the Las Vegas region, special attention is required to maintain its unique resources and primitive character. Enjoyment of this spectacular area in the future hinges on its protection now as a national park or monument.

Regrettably, the battle over the future of the Mojave primarily has involved the Bureau of Land Management's desire to maintain its "turf" rather than transfer qualifying park lands to its sister agency, the National Park Service. We are pleased that the new Administration supports park designation for the Mojave Park. The Mojave should be established as a park not only because it fully qualifies, but also because its highly diverse and spectacular resources require management that is uniquely consistent with the mission of our National Park Service.

We also support the provision in H.R. 518 which ensures that the primitive nature of the area, its beauty, and its natural and cultural resources will not be diminished by unnecessary new roads or inappropriate hotel and restaurant development.

Death Valley and Joshua Tree. We support the additions to Death Valley and Joshua Tree National Monuments as proposed in H.R. 518, as well as the redesignation of these two areas as national parks. The expansions, totaling approximately 1.5 million acres, will incorporate contiguous lands of national park caliber having significant natural, cultural, archeological, historical, and wilderness values.

Grazing in Parks. H.R. 518 takes a compromise approach to the phase-out of livestock grazing in Death Valley and Mojave National Parks. Essentially, the bill provides an opportunity for grazing to be permitted by the National Park Service for up to 25 years by current permit holders, subject to applicable laws and National Park

Service regulations. H.R. 518 also directs the Secretary of the Interior to give priority to acquisition of the base property of permit holders, on a willing seller basis, in the acquisition of lands for these park units. We prefer a more rapid phase-out of this destructive activity than 25 years, but accept the political necessity of the compromise.

Livestock grazing must be phased out in the proposed park units. The severe impact of livestock grazing on desert ecosystems is illustrated by the demise of native plant communities, the plight of desert bighorn sheep, and the need to increase protection for the desert tortoise through the Endangered Species Act. A General Accounting Office report (GAO/RCED-92-12) regarding livestock grazing on public lands in the Mojave and other "hot deserts" included these findings:

> "Current livestock grazing activity on BLM allotments in hot desert areas risks long-term environmental damage..."
>
> "GAO found evidence of damage occurring on BLM lands as well as evidence of livestock grazing's adverse impacts on several wildlife species. Some damaged lands may take decades to recover if they recover at all."
>
> "According to the most current data available, the economic benefits derived from livestock grazing on BLM lands in the hot desert areas are minimal. ...At a local level, BLM documents indicate that local economies do not depend on public lands ranching for economic survival."

Unlike public lands elsewhere in the West, livestock grazing occurs on only a small percentage of California Desert lands. According to a National Park Service assessment, "grazing is considered to be a marginal and somewhat speculative business in the California desert, [and] the entire 25 million acres [of the California Desert Conservation Area] produces only about three/tenths of one percent of beef production in the state."

Very few people will be affected by the gradual phase-out of grazing in Park Service units that is proposed in H.R. 518. According to BLM data, there are only eleven grazing allotments in the Mojave, including one where the permittee is a mining corporation, and two involved in the additions to Death Valley. It is our understanding that there are only four working ranches in the Mojave: the OX, Kessler Springs, Valley View, and Blair Brothers.

Grazing is likely to be eliminated in much of the proposed Mojave National Monument regardless of H.R. 518. The draft recovery plan for the threatened Mojave desert tortoise recommends prohibiting livestock in fourteen Desert Wildlife Management Areas proposed in the plan. Two of these are the Ivanpah Valley and the Fenner areas of the proposed Mojave National Monument. The draft plan, prepared by a team of scientists and issued in April 1993 by the U. S. Fish and Wildlife Service, states: "Livestock can kill desert tortoises and eggs directly by trampling. Grazing can also damage soil crusts, reduce water infiltration, promote erosion, inhibit nitrogen fixation in desert plants, and provide a favorable seed bed for exotic annual vegetation".

The grazing phase-out proposed in H.R. 518 applies only to the Park Service units. The Wilderness Act provides for the continuation of grazing in wilderness, and this fact is expressly recognized in H.R. 518. Thus, the California Desert Protection Act will not eliminate grazing in the BLM wilderness designated by the Act.

Hunting in Parks. We strongly oppose the provision jammed through the House in the 102nd Congress to mandate hunting in the proposed Mojave National Monument. The provision was primarily the result of intensive lobbying by the National Rifle Association (NRA).

Mr. Chairman, the issue is not merely about hunting in the East Mojave. The real issue here is an assault on the integrity and the future of our national park system. It is about whether we are ever going to designate new national parks or monuments again anywhere in this country. It is about whether wildlife and families will be safe from the threat of bullets in our national parks. It is about the clear intent to seek the restoration of hunting to parks and wilderness where Congress has decided that such activity is inappropriate.

According to testimony on the California Desert Protection Act offered by the NRA during the 102nd Congress, the organization adopted a resolution in 1987 which opposes any further expansion of the National Park System that does not preserve existing hunting access and opportunities, and "supports the restoration of hunting access" in areas where, in their view, the activity has been "improperly curtailed."

The Wilderness Society is not anti-hunting. But in our National Parks and Monuments, the maintenance of natural ecosystem processes and the safety of the public must be placed above other concerns. Our national parks and monuments are not places where hunting should occur.

Although hunting would be prohibited in the Mojave National Monument, the region still will have extensive lands for hunting. **H.R. 518 will not put an end to hunting in the Desert: hunting will continue to be allowed on nearly 10 million acres of federal land in the California Desert, including BLM wilderness areas.** H.R. 518 provides more than ample opportunity for hunting to continue in appropriate locations in the Desert region.

The courts have held that sport hunting is not an appropriate use of our National Parks and Monuments. In 1984, the NRA sued the Department of the Interior, claiming that national park units should be open to open to wildlife harvest unless Congress specifically closed them.

The District Court disagreed with the NRA, finding in National Rifle Association v. Potter that wildlife harvest is not compatible with the basic purposes of national parks. These purposes, as described in the Park Service Organic Act, are "To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them

unimpaired for the enjoyment of future generations." In November, 1991, the Michigan 6th Circuit Court of Appeals reaffirmed the findings of NRA v. Potter.

Hunting is not permitted in 78 of our 79 National Monuments or in 50 of our 51 National Parks, and these two exceptions are for highly unusual circumstances. The park exception involves Grand Teton National Park, Wyoming. More than 40 years ago, Congress took the highly unusual step of authorizing the National Park Service to "deputize" hunters to assist in the reduction of the local elk population; few people would characterize this activity as sport hunting. The monument exception is Hagerman Fossil Beds, a paleontological site in Idaho. Legislation creating this national monument includes a provision which allows hunters access to the monument in order to shoot at waterfowl flying over the adjacent Snake River outside the monument.

We strongly urge Congress to reject the attempt of the NRA to amend the California Desert Protection Act to allow hunting in the Mojave National Park or Monument. Such an amendment would establish a terrible precedent and would be completely counter to public opinion. As shown by a recent statewide survey conducted by the Field Institute, by a margin of nearly 4 to 1, Californians support creating the Mojave National Park with no hunting. Even among surveyed households containing at least one hunter, 66 percent support a park for the Mojave with no hunting.

Make the Mojave a Park or Monument, Not a Preserve. We further urge Congress to reject any attempt to make the Mojave a National Park Service "preserve", where hunting is allowed, rather than making it a park or monument.

Mr. Chairman, the East Mojave fully qualifies for and deserves the highest level of protection our nation can bestow: national park or monument status. There are very few places left where we have the opportunity to preserve large natural areas for future generations. Designation of the Mojave as a park or monument will provide more rigorous protection for the area's natural and cultural resources than preserve status.

National Preserves are more complicated, difficult and costly to manage than national parks or monuments. More scientific research and larger resource management and law enforcement staffs are needed to address the divergent mandates and constraints of national preserve legislation.

Hunting is one of the more challenging activities to manage. Hunting is not a benign activity. Existing Park Service units where hunting is authorized, such as the Big Cypress National Preserve in Florida, are experiencing management and visitor safety problems because of this activity. A few examples:

- Hunting impacts the integrity of natural systems. Because hunters target the largest and healthiest animals, the genetic viability and age distributions of species populations are disturbed. In some NPS units hunters have released exotic species which negatively impact native species and vegetation. Problems with vandalism, poaching, noise pollution, and off road vehicle damage are exacerbated during hunting seasons.

- Hunting poses a safety concern and conflicts with other legitimate visitor activities and access. Hunting in the Pictured Rocks National Lakeshore, a unit of the National Park Service in Michigan, has resulted in hikers wearing orange safety vests during hunting season. Some Park Service units must close areas or restrict the access of non-hunting visitors during hunting season. Also, some members of the public simply do not want to risk being shot accidentally and avoid going to a unit they would otherwise visit. In the Big Cypress Preserve, rangers report that the four-wheel buggies used by hunters to access the backcountry sometimes conflict with hikers using the Florida National Scenic Trail.

- Many park system units with hunting lack adequate funding to properly manage and enforce hunting regulations. In many cases, the funding and staffing required to administer and patrol hunting activity takes resources away from other operations. In addition, philosophical differences over hunting can lead to continuing conflict between the NPS and State Fish and Wildlife agencies over kill quotas and the management of hunting.

Aside from the hunting problem, national preserve designation potentially opens the door to other undesirable consumptive uses. For example, the Big Cypress National Preserve enabling legislation authorized off road vehicle use, grazing, and oil and gas development, all of which present ongoing management challenges for the National Park Service. If there is a move to designate the Mojave as a preserve rather than a park or monument, it would not be surprising to find extractive industries or other development-oriented groups seeking new concessions. As the Field Institute poll reveals, the vast majority of Californians, and even 66% of households with at least one hunter, support making the Mojave a national park even if it means that hunting will be prohibited.

BLM WILDERNESS

The California Desert Protection Act will add approximately four million acres of BLM lands to our National Wilderness Preservation System. These wilderness areas provide an absolutely essential insurance policy for the irreplaceable scenic, recreational, cultural and ecological values of the California Desert.

The BLM wilderness areas in H.R. 518 have been the subject of years of exhaustive examination of BLM data, discussions with BLM staff professionals, and on-the-ground analysis to ensure that each area fully qualifies as wilderness. The areas designated by the bill are essentially the same as those identified by BLM as meeting the standards of the Wilderness Act. Boundaries were modified in every case where an inappropriate situation was discovered; numerous modifications and significant reductions in wilderness acreage that were made with our input and acceptance.

Mr. Chairman, we are resolute in our commitment to oppose the designation of any area that fails to qualify as wilderness. Designating such areas would only undermine the integrity of the National Wilderness Preservation System that we fought so hard to create. But we are equally committed to protection for those areas which do fully qualify.

Under the previous administration, the BLM advocated designating less than half of the qualifying BLM desert wilderness, protecting only isolated blocks of land and thus allowing further fragmentation and deterioration of desert ecosystems, including the loss of biological diversity. This meager approach, which is still suggested by some opponents of H.R. 518, would result in continued damage to fragile desert resources. It would deprive the public, now and for future generations, of the quiet splendor of wilderness that is increasingly rare and increasingly valuable as our human populations grow and development spreads.

WILDERNESS WATER RIGHTS

The California Desert is one of the most arid parts of the United States. In those rare areas where water is present, it is essential to protect it. We support the language in H.R. 518 that reserves a federal water right for the designated wilderness areas, establishes the priority date of such rights as the date of enactment of the legislation, and requires appropriate Federal officials to take all steps necessary to protect these rights.

A reservation of water rights must be included in the legislation to make it clear that Congress intends to provide sufficient water to fulfill the purposes for which the wilderness areas are designated. Silence on the subject of water rights may be interpreted as an indication that Congress did not intend to reserve water for the wilderness designated by the Act.

Prior to 1988 an express reservation of water would have been unnecessary. Water for wilderness, and indeed other federal land reservations, was assured by the Winters doctrine. According to this doctrine, announced first by the Supreme Court in 1908, when Congress sets aside an area of the federal lands for special purposes it also reserves sufficient water to fulfill those purposes. Congress need not express its reservation of water in legislation setting aside lands; the reservation is implied where there is a need for water to achieve the goals and purposes of the land reservation. This water right is junior to all valid existing water rights.

Between 1908 and 1988, the doctrine of federal reserved water rights was applied consistently by the courts to assure water for wildlife refuges, national recreation areas, national forests, national parks, and national monuments.

In August of 1988, the Solicitor of the Department of the Interior issued an opinion that Congress did not intend to reserve water rights for the wilderness areas designated pursuant to the Wilderness Act of 1964. The Solicitor's opinion (which an exhaustive analysis by the Congressional Research Service indicates is in error) became the basis of a directive from former Attorney General Meese prohibiting the land management agencies from claiming federal reserved rights for wilderness in ongoing stream adjudications. In light of this situation, Congress must explicitly recognize the existence of water rights in wilderness legislation. Without an express reservation of water rights, the wilderness areas designated by the California Desert Protection Act may be deprived of life sustaining water.

The water rights language in H.R. 518 is essentially identical to language adopted by Congress last year and enacted as part of the Los Padres Condor Range and Rivers Act. of 1992 (P.L. 102-301). There is no need to change it.

This same language was the compromise reached in Title I of the Arizona Desert Wilderness Act of 1990 (P.L. 101-628) designating BLM wilderness. Title III of P.L. 101-628, designating several national wildlife refuge wilderness areas in Arizona, contains identical language plus two unnecessary and confusing provisions that were added during conference on the Act. These provisions, which were rejected by the House when they were proposed as an amendment to the California Desert bill during the 102nd Congress, state that no rights to water of the Colorado River are reserved with the respect to the Havasu and Imperial Wilderness Areas in Arizona, and that nothing in the Act amended or preempted any State law, Federal law, interstate compact or international treaty pertaining to the upper basin of the Colorado River.

These extra provisions were unnecessary because great care was taken to draw the boundaries of the Havasu and Imperial Refuge wilderness units so as to avoid including the river. Moreover, the language is confusing because it implies that the water rights language in the Act was intended to apply outside the wilderness boundaries. The provisions were not part of the House or Senate versions of the Arizona bill and were not debated as part of the conference report because of time constraints on passing the bill on the last day of the 101st Congress.

The Havasu and Imperial Refuge Wilderness areas on the California side of the river are designated in H.R. 518 with boundaries drawn at the 100 year high water level of the Colorado to avoid including any portion of the river. Therefore, the federal reserved water right in H.R. 518 does not affect the Colorado River, its water management or any compacts associated with it. Amending the bill with the special "Arizona provisions" would be unnecessary and confusing. We urge the House to again reject any such amendment.

MYTHS ABOUT MINING

Opponents of the California Desert Protection Act have made inaccurate and insupportable claims about its potential effects, but none have been more wildly exaggerated than their allegations about mining. Those who seek to perpetuate the dominant influence of the mining industry on the use of public lands talk as if H.R. 518 will essentially put an end to mining in the California desert and have serious impacts on the economy and employment of the state. Their assertions are ridiculous. These myths are a disservice to those who need reliable information in order to make informed decisions about the future of the desert.

Let's set the record straight:

- The California Desert Protection Act does not put an end to mining in the California Desert. In fact, H.R. 518 protects all valid existing mining rights.

- When the California Desert Protection Act was first drafted, boundaries were drawn to avoid known areas of potential mineral conflict.

- The proposal has been modified by the House sponsors many times to accommodate specific mining concerns raised since initial introduction. Wilderness and park boundary changes have been made for Viceroy Gold, Canyon Resources, Keystone Mining, Kerr-McGee, and U.S. Borax, among others. Further deletions for mineral concerns have been made in the Argus, Chuckwalla, Dead Mountains, Jacumba, Malpais Mesa, Resting Springs, and Eagle Mountain wilderness areas.

  As a result of these and other modifications, information provided by the California Department of Mines and Geology indicate that no mines are within the legislation's wilderness proposals and only six of over 400 mines in the five desert counties are within park additions or expansions. The BLM expects three of these to end operations during 1993, regardless of action on the California Desert Protection Act. The remaining three mines are likely to have valid rights which will allow them to continue to operate.

- According to a 1992 U.S. Geological Survey report on the East Mojave, "[T]he prospects for further mineral discoveries in the [Mojave] are relatively poor...in the parlance of mineral resources, this does not appear to be an area of world-class deposits."

- None of the 14 materials identified by the office of Technology Assessment as meeting the criteria for strategic minerals is currently produced anywhere in the California Desert Conservation Area.

- There are no active mines within the boundaries of the California Desert Protection Act that produce materials listed by the Department of the Interior in 1989 as strategic and critical minerals.

- The Mountain Pass Mine, which produces 97 percent of the U.S. output of "rare earth" minerals, is excluded from the boundary of the proposed Mojave Park. The bulk of its undeveloped claim block also is excluded. At current use levels, there is a sufficient supply to serve the country for 250 years.

- Gold is one of the minerals produced in the California Desert Conservation Area. The largest producer, the Mesquite Mine, is wholly outside of the wilderness and park/monument boundaries of H.R. 518, as are most of the other major mineral producers. The Colosseum, Morningstar, and Castle Mountain (Viceroy) mines are within the proposed Mojave National Monument, but are outside the proposed park wilderness. Also, according to BLM, the Colosseum and Morningstar mines already have ceased mining and shifted their operations to a reclamation phase.

- Although the California Desert produces significant quantities of some minerals, much of the value of mineral production comes from private lands unaffected by any legislation. Of the approximately $1.1 billion worth of mineral production derived from the California Desert Conservation Area, approximately 40 percent is from borate production at two locations well outside of proposed park or wilderness lands. The bulk of the remaining value of mineral production from the California Desert is confined to low unit-value construction materials, such as sand and gravel, many of which are readily available elsewhere.

- Estimates of job loss in the mining industry attributed to H.R. 518 are absolutely incorrect. Not a single producer will be shut down by this legislation. Opponents of this bill use job loss estimates from a paper by Ms. Shirley Anderson, whose assumptions are fatally flawed. Anderson's job loss estimates are based on mining jobs that do not now exist, on the assumption that all mining will cease after current deposits are played out, and on the mistaken notion that all mineral production in the California desert is on public land. A detailed analysis of the flaws in the Anderson paper is provided in the attached report, "Park and Wilderness Designation in the California Desert: A Survey of Potential Impacts on Mining Employment and Mineral Availability", which we request be included as part of our testimony for the hearing record.

- The report by resource economist Dr. Robert J. Hrubes of LSA Associates, based in Point Richmond, California, also demonstrates why H.R. 518 will have no immediate impacts on mining jobs and little or no future impact on the number of mining jobs in the California Desert region. Finally, the report shows that mining is a very small -- and shrinking -- sector in the Desert region's economy. Mining jobs account for just 1.6 percent of total employment in the region, and that percentage includes oil and gas jobs. The percentage has decreased over the past decade; it was 2.5 percent in 1981.

- The truth of the matter is that the six mines encompassed within the boundaries of the park and monument proposals in H.R. 518 currently employ a total of approximately 250 people. **H.R. 518 will not shut down any of these mines or put an end to any of these jobs.** Three of these mines, with a total of approximately 40 employees, are expected to shut down within the next year regardless of Congressional action on H.R. 518.

MILITARY USES OF THE DESERT

In combination with H.R. 880, H.R. 518 will not significantly affect the current or future use of the Desert region by the military. In previous testimony, the military expressed two primary concerns about the California Desert Protection Act: its impact on low-level military overflights and the potential expansion of existing facilities, such as Fort Irwin. These concerns are accommodated in H.R. 518 and H.R. 880.

Withdrawals. We do not object to renewing the withdrawal of approximately 1.3 million acres of Federal lands for the China Lake Naval Weapons Center and the

Chocolate Mountain Aerial Gunnery Range, as proposed in H.R. 880. The withdrawals will allow numerous military activities to continue, such as testing and training for aerial gunnery, rocketry, bombing, missile firing, electronic warfare, tactical maneuvering and air support.

Military Overflights. We believe the military overflight language in H.R. 880 is unnecessary. Under current law, wilderness and park designations do not restrict military overflights. Nothing in the California Desert Protection Act would restrict such activity. Therefore, Section 12 of H.R. 880 merely affirms existing authorities of the military. We urge that the language be deleted; including it in the bill implies that it is necessary for the continuation of overflights, when in fact it is not necessary.

Some 3.1 million acres in the California Desert are under military withdrawal, primarily at Ft. Irwin, Chocolate Mountain, China Lake, Twentynine Palms, and Edwards Air Force Base. Additional Desert land is covered by military overflights to test aircraft and train pilots. To accommodate these uses the Federal Aviation Administration (FAA) has established large areas of restricted air space for the military.

The airspace over all lands, including wilderness and parks, is controlled by the FAA. The agency has issued a general advisory, which is not mandatory, that pilots maintain a minimum altitude of 2000 feet above wilderness areas. Since December 1, 1977, the military use of airspace above the California Desert has been governed by a letter of agreement between the military and the FAA. Within this restricted air space, flights are limited to no lower than 2000 feet over existing wilderness and park units, and no lower than 3000 feet above ground level (AGL) over Death Valley. With the exception of these existing wilderness and park units, the level is 200 feet AGL.

To specifically accommodate the concerns of the military, Section 802 states, in part: "Nothing in this Act or in the California Desert Protection Act of 1993 shall preclude low-level overflights by military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the new units of the National Park or Wilderness Preservation System..." This language, which we view as unnecessary, should put to rest any concerns about the military being precluded from continuing low-level flights in the region after H.R. 518 is enacted.

The military's second major concern has involved the potential expansion of Fort Irwin. The Army is examining several alternatives to expand the Fort. The issue is highly controversial, largely because much of the public questions whether it is needed. Also, all of the options have environmental and user conflicts. For example, the option of expanding to the east has conflicts with an existing power line to Los Angeles.

In recent testimony on S. 21, the companion bill to H.R. 518, the Department of Defense testified that they wanted to make sure the California Desert Protection Act "does not preclude the future expansion" of Ft. Irwin. We believe that H.R. 518 fully addresses this concern by leaving the three areas adjacent to the Fort in wilderness study area status, rather than designating them as wilderness. This approach fully preserves the military's option to expand Ft. Irwin to the east, and at the same time it retains

interim protection of the wilderness characteristics of the three areas pending resolution of the Ft. Irwin expansion issue by Congress.

H.R. 518 offers several benefits to the military. The presence of wilderness along installation boundaries will help prevent accidental trespass by ORV users and will make it easier to detect people who might deliberately attempt to enter the facilities illegally. In no case will wilderness close routes used by the military for boundary patrols of the installations. Finally, wilderness will provide a buffer for the military from future external development that might lead to problems along installation boundaries.

CONCLUSION

Mr. Chairman, the choice before this committee is a simple one. You can set aside a few museum pieces of our country's great western heritage, as advocated by opponents of H.R. 518, pieces too small and isolated to preserve the California Desert's wild and scenic character and its storehouse of biological diversity. Or you can adopt H.R. 518 and provide a network of wilderness and park land that ensures permanent protection for the region's frontier character and allows us, our children and theirs to experience the wealth and majesty of this great American Desert.

Live up to the faith the American people have placed in you. Pass the California Desert Protection Act without further delay.

Table 313

Q.46b The eastern Mojave is publicly owned land located in the desert region of Southern California. The U.S. Congress is considering making the eastern Mojave a national park. Hunting would be excluded in the new park but would be allowed to continue on other public lands in the California desert region.

Do you favor or oppose making the eastern Mojave a national park, knowing that hunting would be excluded from the park? Do you (favor)(oppose) strongly or somewhat?

Base: Total Sample

		Section		Area									Residence Locale			Party Registration				
	Total	North -ern	South -ern	LA	Oran -ge	San Diego	Des- ert Coun- ties	Cen- tral Coast	Cen- tral Val- ley	Bay Area	North Coast /Sier -ra	Urban	Sub- urban	Rural	Reg Voter	Not Reg Voter	Dem	Rep	Other
Unweighted Base	1052	424	624	285	85	80	97	79	161	216	45	310	566	172	795	257	374	336	85
Weighted Base	1052	424	624	281	94	91	87	75	153	224	43	319	567	162	795	257	381	319	95
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
FAVOR STRONGLY	523	220	302	140	47	46	36	37	71	124	20	176	277	69	414	109	216	137	62
	49.8	51.8	48.4	50.0	50.1	50.3	41.6	49.6	46.3	55.1	47.5	55.0	48.8	42.7	52.1	42.4	56.6	43.0	64.9
FAVOR SOMEWHAT	265	106	159	70	21	26	24	21	40	54	10	69	154	41	192	73	87	85	20
	25.2	25.0	25.5	25.0	22.3	29.0	27.0	27.7	26.2	23.9	22.7	21.8	27.2	25.6	24.2	28.4	22.7	26.7	21.4
OPPOSE SOMEWHAT	90	32	58	24	9	6	11	5	14	18	3	31	45	14	59	31	26	29	3
	8.5	7.6	9.2	8.4	9.5	6.6	12.4	6.7	9.4	7.9	7.6	9.8	7.9	8.7	7.4	12.1	6.9	9.1	3.5
OPPOSE STRONGLY	109	37	70	28	14	7	13	9	15	15	7	21	61	26	80	29	28	45	7
	10.3	8.7	11.3	9.8	14.8	7.7	15.4	12.6	9.5	6.6	15.4	6.5	10.8	15.8	10.0	11.3	7.3	14.2	6.9
Don't know	65	29	35	19	3	6	3	3	13	14	3	22	30	12	50	15	25	22	3
	6.2	6.9	5.6	6.7	3.2	6.4	3.7	3.4	8.6	6.4	6.9	7.0	5.3	7.2	6.3	5.8	6.4	7.0	3.2

Q.46b The eastern Mojave is publicly owned land located in the desert region of Southern California. The U.S. Congress is considering making the eastern Mojave a national park. Hunting would be excluded in the new park but would be allowed to continue on other public lands in the California desert region.

Do you favor or oppose making the eastern Mojave a national park, knowing that hunting would be excluded from the park? Do you (favor)(oppose) strongly or somewhat?

Base: Total Sample

	Total	Hunter in HH: Yes	Hunter in HH: No
Unweighted Base	1052	169	879
Weighted Base	1052 100.0	163 100.0	885 100.0
FAVOR STRONGLY	523 49.8	67 41.4	456 51.5
FAVOR SOMEWHAT	265 25.2	40 24.6	224 25.3
OPPOSE SOMEWHAT	90 8.5	16 9.9	74 8.3
OPPOSE STRONGLY	109 10.3	28 17.1	81 9.1
Don't know	65 6.2	11 7.0	51 5.7

PARK AND WILDERNESS DESIGNATION IN THE CALIFORNIA DESERT:

A SURVEY OF POTENTIAL IMPACTS ON MINING EMPLOYMENT AND MINERAL AVAILABILITY

A REPORT PREPARED FOR THE WILDERNESS SOCIETY

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EXECUTIVE SUMMARY

Utilizing available information, an evaluation was conducted of the potential near-term and long-term implications of the California Desert Protection Act (CDPA) on mining activity within the 25.5 million acre California desert. The provisions and requirements of the CDPA are reviewed and compared against the spatial location of current mining activity in the desert and known reserves of economically-valuable minerals. A salient feature of the CDPA is that the boundaries of proposed park and wilderness areas have been drawn to largely exclude current and historical mining districts. As such, there would be no adverse near-term impact on desert mining production if the CDPA is enacted, as the Act specifically recognizes valid existing rights. Active mining operations within the boudaries of the proposed parkes that have valid rights would be able to continue operations. Mining and park designation need not be mutually exclusive, as reflected by the 42 units within the National Park System with active mining operations, as of January, 1992.

Long-term impacts of the CDPA on desert mining are much more difficult to ascertain given the uncertainty about future regional and global mineral market conditions and the lack of precise knowledge of the locations of valuable deposits within the desert. But for numerous reasons, it is concluded that future impacts, if they were to occur, will be limited:

- Less than a third of the California desert would fall under the jurisdiction and limitations of the CDPA. Vast areas of mineral-rich desert land will remain open for exploration and mineral extraction.

- By design, the proposed park and wilderness boundaries avoid areas of current and historical mining significance. For instance, the Mountain Pass mine, which accounts for virtually all U.S. production of rare earth elements, is excluded from the boundaries of the proposed Mojave National Park. Rare earth deposits at this mine location can be expected to last several hundred years, at current and foreseeable extraction rates.

- The principal active deposits of many economically important minerals such as cement, sand and gravel, and boron are located far from the boundaries of the CDPA and would be un-impacted. Additional deposits of these materials are located outside of proposed park and wilderness areas.

Using federal and state time series data, a profile was developed of the California desert regional economy. Focusing on population, employment, personal income, and gross domestic product, it is demonstrated that the mining sector is a very minor contributor to the 5-county and, larger, 7-county desert regional economy and to the statewide economy. Further, the relative importance of mining has declined substantially over the past 10 years as the

California desert region has experienced rapid demographic change and economic diversification.

There are approximately 3,500 non-fuels mining jobs in the California desert, which constitutes less than 1/4 of one percent of total employment within the Southern California regional economy. The principal source of mining employment in Southern California is associated with oil and gas, primarily located in portions of Kern County well outside of the proposed park and wilderness areas. Even within the 5 central desert counties, non-fuels mining accounts for less than one percent of total employment. Due largely to regional and global mineral market forces, total mining employment in the study area has stagnated over the past 10 years. In contrast, other sectors of the regional economy have experienced rapid increases in employment.

Finally, a critique is offered of a paper[1], widely cited by the mining industry, that argues that all California desert mining will eventually cease if the CDPA were to be enacted. In fact, there is no plausible basis to support this argument. Fundamental flaws in assumptions and analysis methodology, that undermine the credibility of the paper's conclusions, are identified and discussed.

[1] Mineral Resources of the California Desert and Their Significance to California's Economy, Shirley C. Anderson, California State University, Northridge, CA

SECTION I:

GENERAL INTRODUCTION

On January 21, 1993, newly-elected California Senators Dianne Feinstein and Barbara Boxer opened the current round of a multi-year Congressional deliberation over protection of public resources within the 25.5-million acre California desert (see Figure 1). Their bill, the California Desert Protection Act (S. 21), is largely identical to a bill of the same number introduced by former California Senator Alan Cranston in the previous Congress. At the same time, a nearly identical companion House bill (H.R. 518) was introduced by California Representatives Richard Lehman and George Miller.

In past deliberations over California desert legislation, much attention has been paid to and substantial misinformation has been generated concerning the potential implications of CDPA enactment on mining-related employment within the California Desert Conservation Area (CDCA)[2]. Commodity interests including the mining industry have asserted that passage of the CDPA would result in the loss of many thousands of desert region jobs due to the "locking up" of federal desert lands in parkland and wilderness areas. Relying primarily upon one industry-supported study, the mining lobby has argued that the CDPA would result in the loss of over 20,000 jobs due to the eventual forced cessation of mining throughout the California desert. Supporters of the CDPA have argued that the industry's claims are grossly overstated and deliberately misleading.

To help develop a better factual basis upon which to assess the regional economic consequences of the proposed CDPA, The Wilderness Society retained LSA Associates, Inc., under the direction of Dr. Robert J. Hrubes, to prepare this report on the contribution of mining to the regional economy of the California desert and the likely impacts, if any, of the proposed California Desert Protection Act on present and future mining activity. This report constitutes a compilation, synthesis and interpretation of available information obtained from public agencies and private organizations.

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[2] The California Desert Conservation Area (CDCA) was established by the Federal Land Policy and Management Act of 1976 (FLPMA). The CDCA encompasses approximately 25.5 million acres in all or parts of 8 California counties. The Act established the CDCA for the purposes of "protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality."

Figure 1

N

LSA

California Desert Conservation Area

PRINCIPAL FEATURES OF THE PROPOSED CDPA

As with its Senate and House predecessors, S. 21 and H.R. 518 call for the redesignation of several million acres of federal land presently administered by the Bureau of Land Management to park and/or wilderness status. Lands elevated to park status would be transferred to the National Park Service. Within current and proposed parklands under the jurisdiction of the Park Service, several million acres would be elevated to wilderness status.

Designation of BLM Land as Wilderness Areas or Other Protected Status

- In H.R. 518, designation of 73 BLM wilderness areas, totalling approximately 4 million acres
- In S. 21, designation of 74 BLM wilderness areas, totalling approximately 4 million acres[3]
- establishment of a 2,040 acre Desert Lily Sanctuary

BLM Land to be Transferred to Other Agencies for Park Expansions:

- 1.5 million acres to the NPS for the creation of the Mojave National Park
- 1.3 million acres to the NPS for expansion of Death Valley National Monument, which will be redesignated as a National Park
- 234,000 acres to the NPS for expansion of Joshua Tree National Monument, which will be redesignated as a National Park
- 20,500 acres to California State Department of Parks for expansion of Red Rock Canyon State Park

Designation of Park Service Land as Wilderness

- 3.2 million acres of Death Valley National Park
- 695,000 acres of Mojave National Park
- 132,000 acres of Joshua Tree National Park

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[3] Relative to H.R. 518, the Senate bill deletes two wilderness areas, Slate Range and South Avawatz. It also modifies the boundaries of four other wilderness areas (Orocopia Mountains, Chuckwalla Mountains, Avawatz Mountains, and Soda Mountains)

The bills recognize existing mining laws and regulations that afford mining operations with valid existing rights the ability to continue exploration and/or development activities.[4] The implication is that all current mineral producers on federal land in the California Desert have legal protection for continued operations even if the land or surrounding area is designated as a wilderness or park area.

Changes From Prior Versions

A key feature of the current and prior versions of the CDPA is that explicit effort has been made to minimize mining conflicts by excluding from proposed wilderness and parks nearly all areas of active mining operations and known reserves. To that end, S. 21 differs from its predecessors by excluding from the proposed Mojave National Park a 31,000 acre mining claim block controlled by Viceroy Resource Corporation, a Canadian gold mining company.

S. 21 modifies or eliminates wilderness areas surrounding Ft. Irwin in order to allow for presently unspecified base expansion plans of the Army.

CURRENT DESERT MINING AND THE NEAR-TERM EFFECTS OF THE PROPOSED CDPA

Due the design of the proposed CDPA, determining the near-term impact on mining is a straightforward matter: **there will be little or no impact--as measured in employment, income or value of production--on current mining activities within the California Desert.** The one facet of mining activity that could experience adverse near-term impacts due to the CDPA is exploration, particularly on federal lands that would, by CDPA enactment, be reserved from future mineral extraction. However, this impact can be expected to be extremely limited on a regional scale in that mineral exploration activity is not labor intensive and because the CDPA will not "lock up" anywhere near all the potentially mineralized lands in the California Desert.

Over 7 million of the 25.5 million acres in the California Desert Conservation Area are either privately owned or owned by the State of California and not subject to the proposed CDPA. Further, the CDPA would impact only approximately 40% of the federal land within the California Desert

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[4] Valid existing rights are established when a claimholder has shown proof of discovery of a valuable mineral deposit. Valid existing rights include right of access and production of the minerals on the valid claim, even if a claimholder controls land in the middle of an area that later is classified as a wilderness or park area. To continue to hold exclusive rights to the minerals, under current regulations, a claimholder must pay a $100 annual fee per claim.

(approximately 7 million acres). In addition to 7 million acres of private and state lands available for mineral production, more than 5 million acres of BLM land and portions of the military bases/reserves within the CDCA will be available.

Major components of California Desert mining activity takes place in areas clearly outside of and, thereby, un-impacted by the proposed CDPA. For instance the approximately 7 million ton annual production of cement occurs on the western margin of the desert (in the Lucerne Valley, near Victorville, and west of the town of Mojave), well west of the boundaries of the CDPA.[5] Similarly, all important deposits of commodities such as boron, gypsum and saline minerals are located well outside of the proposed CDPA.[6]

The lack of significant near-term impacts notwithstanding, it is informative to provide a brief overview of the current mining operations within the California Desert and, more particularly, on federal lands affected by the proposed CDPA.

It is difficult to create an accurate and comprehensive accounting of all active mining in the California Desert, as reporting mechanisms originally managed by the California Division of Mines and Geology and now managed by the Office of Mining Reporting and Reclamation Compliance (RRC) have yet to generate a data base that accurately differentiates between active and inactive mines. Further, the number of active mines varies from year to year in response to fluctuations and trends in market prices for California desert minerals such as gold. In 1987, there were an estimated 806 active mines in California, of which approximately 130 were located in the California Desert.[7] OMRRC listed, for 1990, 1143 "active and idle" reporting mines, of which 350 were in the 5 principal counties of the CDCA.[8] It is not known what portion of those totals were operationally active.

More precise information is available on the number of presently active mines in areas proposed as parkland and/or wilderness under the CDPA. Based

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[5] Comments on the report by Shirley C. Anderson, *Mineral Resources of the California Desert and their Significance to California's Economy*, unpublished report prepared by Professor Art Montana, Department of Earth & Space Sciences, UCLA.

[6] Montana, op cit.

[7] Estimate generated by Tom Goerold, Ph.D. from data compiled by the U.S Bureau of Mines and the California Department of Conservation, Division of Mines and Geology.

[8] Imperial, Inyo, Kern, Riverside, and San Bernadino counties.

upon investigations of others[9], the mines presently known to be active within the boundaries of the proposed park expansions are all located within the proposed Mojave National Park, the existing Death Valley National Monument, and its proposed expansion. There are no active mines within the proposed wilderness areas.

NAME	LOCATION	MINERAL	ESTIMATED EMPLOYEES	COMMENTS
Castle Mountain	Mojave	Gold	185	Expected life is 20 years; not within S.21 park boundary
Coliseum	Mojave	Gold	50	Expected to close 6/15/93[10]
Morning Star	Mojave	Gold	1 guard	Idle, not expected to reopen[11]
Aiken	Mojave	Cinders	5	BLM has determined claims to be invalid
American Borate	Death Valley	Borax	13, at millsite	Within existing national monument boundaries
Crater	Death Valley	Sulfur	3-5	
Ellie	Death Valley	Iron	4-5	

Except for the Aiken mine, all of the currently active mines within proposed park and wilderness areas appear to have valid existing rights and, as such, would be able to continue operations under existing laws and regulations. The status of the Aiken mine is a matter of BLM determination and would not be influenced by the CDPA.

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[9] Primary sources: California Division of Mines and Geology, Los Angeles Times, California Desert Protection League, staff assistants to Congressman Levine, Viceroy Resources Co., BLM, National Park Service.

[10] Communication with Bureau of Land Management, March 31, 1993.

[11] Ibid., Footnote 10

POTENTIAL LONG-TERM EFFECTS OF THE PROPOSED CDPA

An assessment of the long-term effects of the CDPA on California Desert mining is highly speculative, at best. Further, and contrary to arguments presented by CDPA opponents, the speculative and temporally-delayed nature of potential CDPA-induced effects on desert mining severely limit the credibility of any assessments of the regional economic implications of those possible future effects.[13]

Long-term mining effects would be associated with precluded future mining activity on CDPA federal lands that would otherwise have occurred in the absence of park and wilderness designation. The possible magnitude and timing of this impact is a function of the extent to which the lands proposed for park and wilderness designation contain commercially valuable mineral deposits and numerous additional factors such as future mineral market conditions, the magnitude and availability of alternative mineral reserves (both within the CDCA and elsewhere), and the expected life of known and available reserves within the California Desert. There is considerable uncertainty associated with each factor.

The expected life of currently-mined mineral deposits in the CDCA (which would not be impacted by the CDPA) varies by mineral group and is fundamentally dependent on extraction rates. Whereas opponents of the CDPA have argued that all known, available mineral reserves in the California Desert would be exhausted within 50 years of passage of the CDPA[14], other mineral experts present a much different picture. For instance, known reserves of rare earth minerals in the California Desert–which would not be impacted by the CDPA–are projected to not be exhausted for at least 350 years, at current extraction rates.[15]

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[13] As will be discussed later in this report, opponents of the CDPA have widely cited the results of a 1987 industry-supported study on regional economic impacts. This report, however, is fatally flawed due to unreasonable assumptions and inappropriate methodology and its results lack credibility.

[14] This supposition, espoused in a paper by Shirley Anderson, will be addressed in more detail in Section III of this report.

[15] Rare Earth Minerals, Superconductivity, and the California Desert, W. Thomas Goerold, Ph.D., Paper presented at The California Desert Mineral Symposium. March 3-4, 1989, Irvine, California; and,

Testimony of Dr. W. Thomas Goerold Before the House Interior Committee's Subcommittee on National Parks and Public Lands, July 27, 1989.

Rare earth minerals are a group of related elements used for specialty purposes in petroleum, metallurgical, and glassmaking industries with

Likewise, the location of presently unknown mineral reserves in the California desert is highly speculative. So too, then, is the extent to which the CDPA would circumscribe and exclude from future access these unknown reserves. In the opinion of many mining experts[16], however, there is a high likelihood that future mining activity will occur at or near the locales of current mining. One of the strongest indicators of mineral potential is the presence of current or historical mining activity. For instance, 27 of the 30 California gold mines and 12 of the 14 California Desert gold mines active in 1987 were located on the sites of old mining districts. To the extent that future mining is locationally correlated with present and/or past mining, the CDPA will have limited long-term impacts since historical mining districts within the California Desert have been largely excluded from the boundaries of the CDPA.

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potential superconductivity applications. Almost 100% of U.S. production of rare earths comes from one location, the Mountain Pass Mine, located near the proposed Mojave National Park. The boundaries of the CDPA have been expressly drawn to exclude this area in order to avoid adverse impacts on production.

[16] For instance, see: Mining and the California Desert, W. Thomas Goerold. Paper presented at the California Desert Mineral Symposium: Planning for Tomorrow. March 3-4, 1989, Irvine, California.

SECTION II:

AN ECONOMIC PROFILE AND ANALYSIS OF THE RELATIVE IMPORTANCE OF MINING IN THE CALIFORNIA DESERT REGION

INTRODUCTION

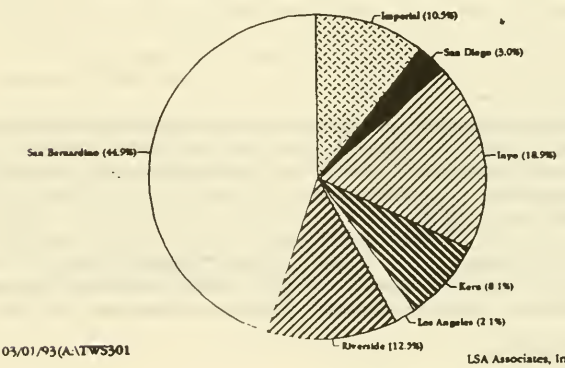
The proposed California Desert Protection Act (CDPA) has generated considerable debate over its potential impacts on mining employment. This section presents an economic profile of the California Desert Conservation Area (CDCA), which encompasses the vast majority of lands proposed for wilderness and park designation under the CDPA and analyzes the importance of mining activities to the regional economy of the CDCA (henceforth, to avoid confusion, "Conservation Area"). The economic importance of mining is measured in terms of the past, present and likely future relative contribution of mining to total employment and personal income to the regional and State economies.

California Desert Conservation Area

County Composition

The Conservation Area includes all or part of seven counties in southern California. These counties, and the approximate percent of the county and county acreage included in the Conservation Area, are listed in Table A and shown in Figure 2. The counties have been organized into two categories: the **Central Desert Counties** which comprise the bulk of the Conservation Area and **Other Counties** in the Conservation Area. Collectively, the two categories (7 counties) constitute **All CDCA Counties.**

Figure 2
County Composition of the CDCA



Central Desert Counties

San Bernardino, Inyo, Riverside, Imperial and Kern are the most significant counties in the Conservation Area, accounting for approximately 95 percent of the Area's total acreage. Except for the western portions of San Bernardino and Riverside Counties, these five counties are relatively undeveloped and unpopulated, and have similar demographic compositions. In addition, all five counties are predominantly desert terrain and comprise the southeastern portion of the State. They have been grouped as the region which will be most substantially influenced by the proposed CDPA, and shall be referred to as the "Central Desert Counties" of the Conservation Area, hereafter.

Table A
Counties in the CDCA

County	Approximate Percent in CDCA	Approximate Acreage in CDCA (X1,000)
Central Desert Counties		
Imperial	100	2,714
Inyo	75	4,862
Kern	40	2,087
Riverside	70	3,215
San Bernardino	90	11,588
Other Counties		
Los Angeles	30	781
San Diego	20	545

All CDCA Counties

Los Angeles and San Diego Counties have not been included in the Central Desert Counties. Although the portions of Los Angeles and San Diego Counties within the Conservation Area are relatively undeveloped desert, like the counties of the central desert area, the remaining portions of the two counties are highly developed and densely populated. In fact, Los Angeles and San Diego Counties had approximately 843 and 230 persons per square kilometer in 1990, whereas, the central desert counties had an average of 30 persons per square kilometer in 1990, a population density one-eighth as dense as San Diego's and one-twenty-eighth as dense as Los Angeles[17]. In

[17] Source: 1992 County and City Extra, Annual Metro, City and County Data Book, Edited by C. Slater and G. Hall.

addition, both Los Angeles and San Diego Counties are located along the coast, whereas the central desert counties are landlocked. As such, the two counties derive extensive economic activity, and, in turn, employment, through intra-state, inter-state and international trading activities such as trade with Pacific Rim countries.

Since employment data cannot be accurately disaggregated beyond the county level, use of employment data from these two counties would dominate trends for the CDCA. However, Los Angeles and San Diego Counties cannot be excluded even though they account for only approximately five percent of the total CDCA, because they have mining employment which is likely associated with mining activities within the Conservation Area[18] and they contain the closest major commercial centers to the Conservation Area.

Metropolitan Statistical Areas

Detailed employment and other economic data provided by the California Employment Development Department, Labor Market Information Division, is available, by county, for Imperial and Inyo Counties, and by Metropolitan Statistical Area (MSA) for the other counties in the CDCA. MSAs are comprised of one or more entire counties. These MSAs are described in Table B.

Table B
MSAs in the CDCA

MSA	Counties in MSA
Bakersfield	Kern
Los Angeles-Long Beach	Los Angeles
Riverside-San Bernardino	Riverside, San Bernardino
San Diego	San Diego

Employment data for Inyo County has been combined with Mono County by the California Employment Development Department because both counties have very small populations. In order to derive employment data for Inyo County, the ratio of populations for the two counties is assumed to be indicative of employment ratios.

County-level population data has been provided by the California Department of Finance, Economic Research Unit. Therefore, population data will be presented per county, while employment data will be presented per MSA,

[18] From sectoral employment data that is published at the county level, it is not possible to determine where, within a county, mining activity/employment occurs.

except for Imperial and Inyo Counties which have per-county employment data. However, this should not be a problem as MSA boundaries are coincident with county boundaries.

California

The counties listed in Table A represent seven of the fifty-eight counties in California. The populations of these counties represented 50 percent of the total California population in January, 1992, and their total area represents 40 percent of the entire State. Because the counties which encompass the CDCA represent such a significant portion of the State's population and area, state-wide economic trends are relevant to the economic profile of the CDCA.

As such, an economic profile and mining's significance will be analyzed, below, at three levels: 1) the central desert counties, 2) all CDCA counties, and 3) the State.

Mining Industry Classification

Employment for mining and other industries is categorized according to Standard Industry Classification (SIC) Codes. All industry employment is broken into two general categories: agricultural and nonagricultural. The nonagricultural category is further partitioned into eight subcategories, including mining, construction, manufacturing, transportation and public utilities, wholesale and retail trade, finance and insurance and real estate (commonly referred to as "FIRE"), services, and government. Each of these subcategories is further divided into categories of greater specificity.

The mining macro-sector is partitioned into: metal, anthracite (coal), bituminous coal, oil and gas, and non-metallic minerals. Mining activities in the Central Desert Counties produce primarily metallic and nonmetallic minerals which, by convention, are grouped together as "non-fuels mining". No measurable amounts of oil and gas are extracted from within the Conservation Area boundaries (and none within the boundaries of proposed wilderness areas and parklands). However, Kern County, which is one of the Central Desert Counties, has major oil and gas extraction operations which are not within the Conservation Area. Oil and gas extraction dominates mining employment within that county and at the state-wide level. Oil and gas extraction comprised over 78% of 1987 statewide mining sector employment, according to California Employment Development Department data. Non-fuels mining accounted for approximately 8,200 jobs, statewide, of which approximately 3,500 are associated with the California desert.

Economic Indices

Employment

Industry-specific employment statistics are a key indicator of the role that an industry plays in a regional economy. Employment data in this discussion has been organized according to SIC categories and has been provided by the California Employment Development Department, Labor Market Information Division. The data is based on payroll data reported by all private and government employers in the state and data from the personal income tax reports of self-employed persons.

While we would prefer to present statistics only on non-fuels mining employment in the following discussions and tables, it is not possible as several of the Conservation Area counties report employment only at the aggregate mining sector level. As such, the statistics presented will overstate the relative importance of non-fuels mining to the regional economies of the California desert and to the state-wide economy. Even with this overstatement, the importance of mining-sector employment is very limited.

Personal Income

From the standpoint of direct impacts on the residents and workforce of the region, personal income generated by an industry is a good indicator of the importance of that industry to the regional economy. Personal income is a national social accounts measure effectively equivalent to the take-home "pay" of households, including government transfer payments.[19] Like employment data, personal income data has been reported according to SIC. The U.S. Department of Commerce, Bureau of Economic Analysis compiles and presents income data in the publication, *Local Area Personal Income*.

Gross State Product

The Gross State Product (GSP), which is defined as the annual value of goods and services produced within the State, is another means of studying the importance of an industry in a regional economy. The percentage of total GSP represented by mining industry products is a good indicator as to the importance of mining in the state-wide economy.

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[19] By U.S. Department of Commerce convention, personal income is defined as disposable income plus personal taxes (i.e., personal income tax and estate tax but not residential property tax).

ECONOMIC PROFILE

The following discussion provides an economic profile of the three geographic regions of study: the Central Desert Counties, All CDCA Counties, and the State. Historical population and employment trends are identified for each MSA or county within the study areas. Specific trends in mining employment and income have also been identified.

Study Area I: Central Desert Counties

Population

Total population in the Central Desert Counties has increased dramatically over the past two decades and at a faster pace than the State-wide average, as shown in Figure 3. This population growth is indicative of fundamental structural changes to the demographic structure and regional economies of the Central Desert Counties. In particular, it is indicative of economic diversification and a rapidly declining relative importance of commodity extraction activities such as mining. The population for each of the five central desert counties and the entire State in 1970 and 1990, along with the percentage change over the period, is shown in Table C.

Figure 3
Population Growth Rates
In The Study Areas

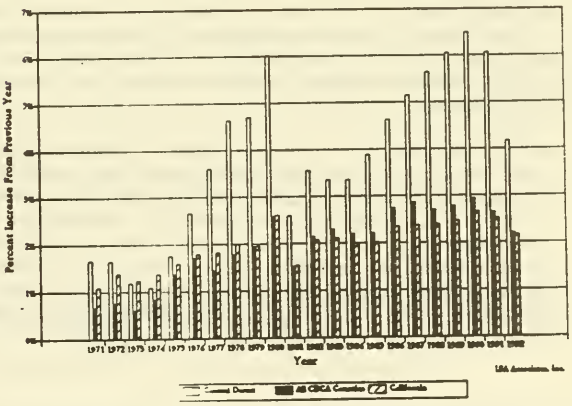


Table C
Population Growth
Central Desert Counties and California

County	1970	1990	Percentage Change
Imperial	75,000	117,000	56
Inyo	16,000	19,000	19
Kern	330,000	584,000	77
Riverside	457,000	1,290,000	182
San Bernardino	682,000	1,531,000	124
California	119,971,068	29,558,000	48

As clearly demonstrated in Table C and Figure 3, population in the Central Desert Counties is increasing rapidly and at a faster rate than the State average. From 1970 to 1990, the State population increased by 48 percent. During the same period, the total population of the Central Desert Counties increased two and a half times faster than the State average, growing by 127 percent. Future population growth in the central desert counties is predicted to continue to be twice as great as the State average. The population of the central desert counties is expected to be approximately 5,290,000 persons by 2020, a 55 percent increase from 1995. Total California population is predicted to be approximately 39,618,000 persons in 2020, an increase of 28 percent from 1995.[20]

Employment

Total employment growth in the Central Desert Counties has paralleled population growth. Figure 4 demonstrates that employment has grown, for instance, in the services, wholesale and retail trade, and government employment sectors while total mining employment (fuels and non-fuels) has declined slightly.

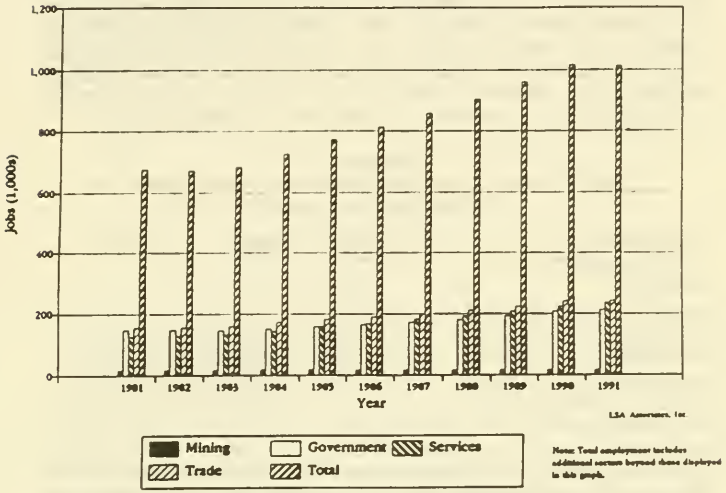
From 1981 to 1991, service sector employment increased from 124,200 to 233,600 jobs, employment in wholesale and retail trade grew from 153,200 to 241,600 jobs and government employment grew from 146,400 to 211,200 jobs in 1991. Government, services and trade employment comprised approximately 69.9 percent of total employment in the Central Desert Counties for 1991, as compared to 62.7 percent in 1981. Regionally, these employment sectors can be expected to continue to grow, albeit at different rates for each county. For example, government employment is predicted to decline through 1996 in Kern County, while it is projected to grow by 31

[20] Source: California Almanac, 5th Edition, Pages 8 and 9.

percent in Imperial County when two large prisons are opened[21]. As is the national trend, services and trade employment will consistently grow in each of the Central Desert Counties.

Figure 4

Employment, By Sector
Study Area I: Central Desert Counties



The Central Desert Counties had 17,00 total fuels and non-fuels mining jobs in 1981, as compared to 16,200 in 1991, a decline of 2 percent. Of this total, approximately 80% is generated by oil and gas exploration and extraction, and is located in portions of Kern County outside of the Conservation Area. That is, the bulk of total mining employment in the Central Desert Counties is not associated with the Conservation Area and, as such, would not be impacted by the proposed CDPA. Kern County is the only Central Desert County predicting future growth in mining employment (a projected 13 percent increase from 1989 to 1996)[22]. But this growth can be expected to occur almost exclusively in oil and gas mining which has historically represented over 90 percent of total mining employment in the County[23].

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[21] Source: Bakersfield MSA and Imperial County Annual Planning Information, 1991 and 1992.

[22] Source: Bakersfield MSA, Annual Planning Information, 1991.

[23] Source: Local Area Personal Income, 1984-1989, U.S. Department of Commerce, Bureau of Economic Analysis.

Regional Economic Importance of Mining

Employment

The importance of mining employment (fuels and non-fuels) to the Central Desert Counties has been steadily decreasing over the past ten years. As shown in Table D, mining represented only 2.5 percent of total employment in the Central Desert Counties in 1981. This percentage dropped to 1.6 percent in 1991. The percentage of total employment represented by mining employment has declined for each county of the Conservation Area except for Imperial County. However, Imperial County accounts for only 2.9 percent of total mining employment in the 7 counties of the Conservation Area.

Table D
Mining Employment As Percent of Total Employment
Central Desert Counties

County/MSA	1981	1991
Imperial	0.8	1.6
Inyo[24]	—	—
Bakersfield	8.4	6.6
Riverside - San Bernardino	0.5	0.2
5-County Total[25]	2.5	1.6

Figure 4 displays how an expanding economy, as indicated by growth in total jobs, coupled with stagnant total mining employment has decreased the contribution of mining employment to the Central Desert Counties. Figure 5 shows that the number of mining jobs per 1,000 residents has been steadily declining in the 5-county area.

Also, Figure 4 demonstrates that, while mining employment has not grown, employment in the services, government and trade industries has grown significantly in the Central Desert Counties. Services sector employment grew from 124,200 jobs in 1981 to 233,600 jobs in 1991, an increase of 82 percent. Employment in government and trade grew from 146,400 and 153,200 in 1981 to 211,200 and 241,600 in 1991, increases of 45 and 57 percent, respectively. Comparatively, mining employment over this period declined by 2 percent.

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[24] Mining and manufacturing employment data is combined for Inyo County. As a result, specific mining employment data is unavailable.

[25] Based on total mining jobs divided by total jobs for all industries for the five-county primary impact region.

Figure 5
Mining Jobs Per 1,000 Residents
Study Area I: Central Desert Counties

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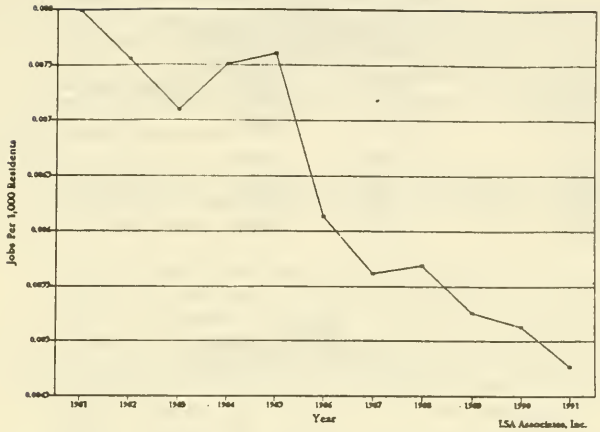


As growth occurs in total population and in industry employment for sectors other than mining, the relative importance of mining in the Central Desert Counties will continue to decline. This is typical of an evolving economy which is growing both in size and diversity. While mining and other natural resource extraction activities may play a major role in a developing economy, a larger and more heterogeneous population creates demand for goods and services which, in turn, spurs growth in employment sectors such as services, government and trade. As a result, the role of mining employment in the Central Desert Counties is becoming less important to the area economy.

Personal Income

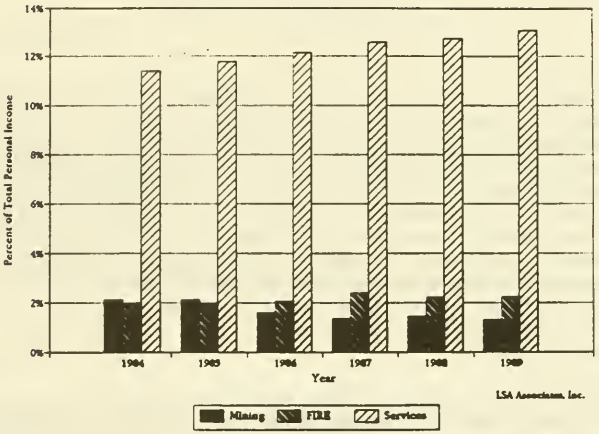
The contribution of the mining industry to total personal income has also been declining. As shown in Figure 6, the portion of total personal income represented by earnings from mining industry activities has declined from 1984 to 1989. In 1984, personal income from mining represented 2.1 percent of total personal income in the Central Desert Counties. By 1989, this percentage had dropped to only 1.3, which represents a 38 percent drop in the importance of mining to total personal income in just five years.

For purposes of comparison, Table E displays total personal income and personal income from the services, FIRE (finance, insurance and real estate), and mining in millions of dollars for 1984 and 1989, and the percentage change over that period.

Table E
Personal Income (in $millions)
Central Desert Counties

Industry	1984	1989	Percent Increase
All Industries	30,030	49,040	63
Mining	642	647	1
FIRE[26]	584	1,093	87
Services	3,429	6,404	87

Figure 6
Contribution To Personal Income
Study Area I: Central Desert Counties



As Figure 6 and Table E demonstrate, personal income generated by the mining industry is an increasingly smaller portion of total personal income in the Central Desert Counties. Concurrently, personal income from the services, government and trade industries is an increasingly larger portion of total personal income. From 1984 to 1989, total personal income grew by 63 percent. Personal income from FIRE and services each grew by 87 percent, respectively. Comparatively, personal income from mining grew by only 0.8 percent during this same period.

[26] Finance, insurance and real estate.

Trends in personal income parallel those demonstrated by employment. The role of the mining industry in generating personal income is declining. As a result of an economy which is becoming more diverse, personal income from sectors other than mining is playing an increasingly larger role in the economy of the Central Desert Counties.

Study Area II: All CDCA Counties

The following discussion will focus on Los Angeles and San Diego Counties, which together with the five Central Desert Counties, encompass the entirety of the Conservation Area.

Once the Central Desert County economic trends have been augmented with data for Los Angeles and San Diego Counties (presented in this section of the report), the economic profile of the Conservation Area is essentially complete. Because the Conservation Area's boundaries are not drawn with respect to jurisdictional delineations and because economic data is readily available only at the county level, the economic profile pertains, by necessity, to a larger (7 county) area, within which is located the Conservation Area.

The reader should note that, to the extent that economic trends in Los Angeles and San Diego Counties dominate the 7-county aggregate statistics, we believe that the 5-county aggregation, Central Desert Counties, provides the depiction of the regional economy of most relevance to the policy debates over the CDPA. This is because the bulk of the geographic area and the economies of Los Angeles and San Diego Counties are outside and largely independent of the Conservation Area.

Population

Paralleling trends in the Central Desert Counties, total population has grown rapidly in Los Angeles and San Diego Counties over the past two decades. Figure 2 shows the population growth trends for the All CDCA Counties and Table F, below, lists the counties' populations in 1970 and 1990, and the percentage change over that period. To provide a measure of comparison, the All CDCA Counties and State population data are also presented in Table F.

Table F
Population Growth
All CDCA Counties and California

County	1970	1990	Percentage Change
Los Angeles	7,042,000	9,087,000	29
San Diego	1,358,000	2,602,000	92
All CDCA Counties	9,959,000	15,230,000	53
California	19,971,000	29,558,000	48

Combined, the population of Los Angeles and San Diego in 1991 was approximately three times greater than the combined populations of the 5 Central Desert Counties. Yet, only approximately five percent of the Los Angeles and San Diego Counties' population falls within the Conservation Area.

Los Angeles and San Diego Counties are predicted to grow in population from 8,886,000 and 2,630,000 residents, respectively, in 1995 to 10,119,000 and 3,665,000 in 2020, respectively. Like the trend of the past decade, Los Angeles County population growth will be slower than the State average while San Diego County will outpace the State average by 31 percent. All Conservation Area counties but Los Angeles County are expected to experience population growth which far exceeds the State-wide average.

The principal point of these 7-county population statistics is that the larger region within which is located the Conservation Area is very heavily populated, largely in areas outside of the Conservation Area. At the 7-county level of aggregation, population levels and trends are dominated by areas outside of the Conservation Area.

Employment

Total mining employment (fuels and noon-fuels) has declined over the past ten years in Los Angeles and San Diego Counties, as well as in the 7-county region, as shown in Figures 7 and 8. In Los Angeles County, total mining employment has declined dramatically; from 14,400 jobs in 1981 to 7,800 jobs in 1991, a 45 percent decrease. San Diego County mining employment remained constant over the period, at approximately 600 jobs. Mining employment in the two counties is expected to continue to decline through the 1990's.[27] In the 7-county region, mining employment accounted for 31,600 jobs in 1981 and 24,400 jobs in 1991. The trends in the Central Desert Counties and in Los Angeles/San Diego Counties are consistent: total mining employment has been decreasing over the past ten years.

While it is beyond the scope of this paper to detail the causes of mining employment decline, there is broad evidence that most job losses are related to regional and national mineral market conditions. For instance, the price of gold is presently at a seven-year low[28]. A standard reaction to depressed mineral prices is to curtail or suspend production and lay off mining and support staff.

Figure 7 demonstrates that total industry employment grew in Los Angeles and San Diego over the ten years between 1980 and 1990 by 694,000 jobs. The services and trade sectors experienced the greatest job growth over this

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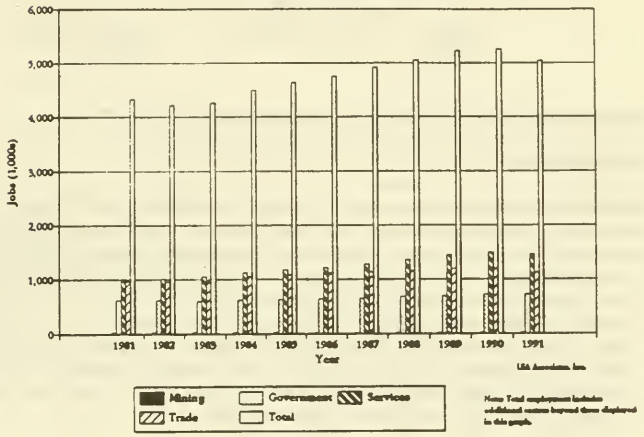
[27] ibid 29.

[28] Sonora Union Democrat, March 30, 1993.

period, while mining employment declined significantly. Figure 8 displays employment for selected sectors in the 7-county region.

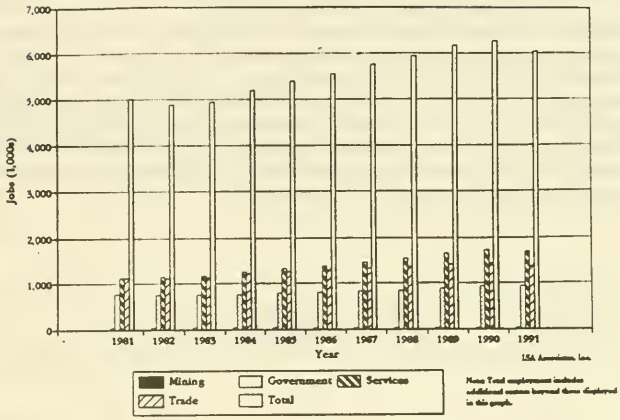
Like the five Central Desert Counties, the services, trade and government sectors account for the majority of employment in Los Angeles and San Diego Counties, and, in turn, the 7-county region. In 1991, these three sectors accounted for 66 percent of total employment in the 7-county region (i.e., All CDCA Counties). According to California Employment Development Department (EDD) data, services and trade sectors are predicted to be the major job growth areas through the end of the 1990's in Los Angeles and San Diego Counties and in All CDCA Counties[29].

Figure 7
Employment, By Sector
Los Angeles and San Diego Counties



[29] Source: Los Angeles MSA and San Diego MSA, Annual Planning Information, 1992, California Employment Development Department, Labor Market Information Division

Figure 8
Employment, By Sector
Study Area II: All CDCA Counties



Importance of Mining to the 7-County Regional Economy

Employment

Paralleling the trends revealed in the prior discussion of the Central Desert Counties, the importance of mining employment to the 7-county region will continue to decline as population grows, as mining employment decreases and as employment in other sectors grows. Table G shows the percentage of total employment represented by mining employment in 1981 and 1991 for Los Angeles and San Diego MSAs, and for the 7-county region. In the 7-county region, the percentage of total employment represented by the mining sector was extremely small in 1981 (0.6 percent) and declined by 33 percent over the subsequent 10 years. Mining employment declined, also, within Los Angeles and San Diego Counties between 1981 and 1991.

Table G
Mining Employment As Percent of Total Employment

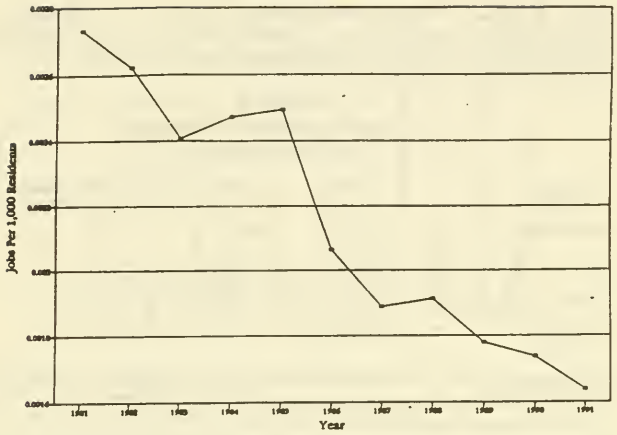
County/MSA	1981	1991
Los Angeles - Long Beach	0.4	0.2
San Diego	0.1	0.1
All CDCA Counties	0.6	0.4

Figure 9 displays the number of mining jobs per 1,000 residents for All CDCA Counties.

Figure 9

LSA Associates, Inc.

Mining Jobs Per 1,000 Residents
Study Area II: All CDCA Counties



Personal Income

Mining sector-generated personal income as a percentage of total personal income in the 7-county region has been declining since 1984, as shown in Figure 10. In 1984, mining income represented only 0.8 percent of 7-county total personal income. Comparatively, services income represented 20.0 percent of 7-county total personal income. By 1989, mining income had declined to 0.5 percent of total personal income and services employment had grown to 23 percent, a 39 percent drop and a 16 percent increase, respectively, in just five years.

Figure 10

Contribution To Personal Income
Study Area II: All CDCA Counties

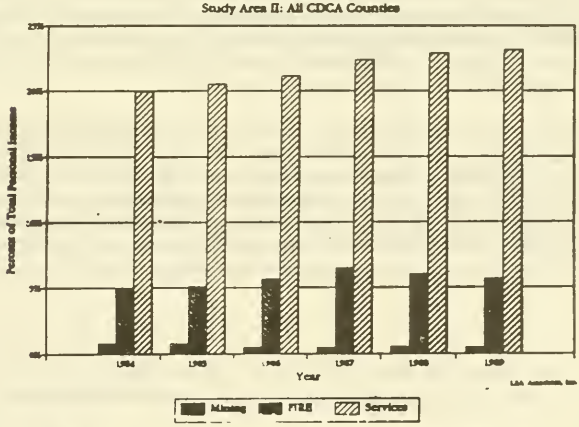


Table H shows 7-county total personal income and personal income attributable to the FIRE, services, and mining sectors in millions of dollars for 1984 and 1989, and the percentage change over that period.

Table H
Personal Income (in $millions)
All CDCA Counties

Industry	1984	1989	Percentage Change
All Sectors	180,101	269,301	50
Mining	1,397	1,280	-8
FIRE	8,915	15,312	72
Services	35,937	62,143	73

Table H shows that personal income in the 7-county region that is generated by mining is becoming an increasingly smaller portion of total personal income. Conversely, personal income from sectors such as FIRE and services constitute an increasingly larger portion of total personal income. The trends in personal income for the 7-county region are similar to those occurring in the Central Desert Counties. As the population grows and the economy becomes more diverse, the role of the mining industry in generating personal income is declining while the role of sectors such as FIRE and services is increasing.

Study Area III: California

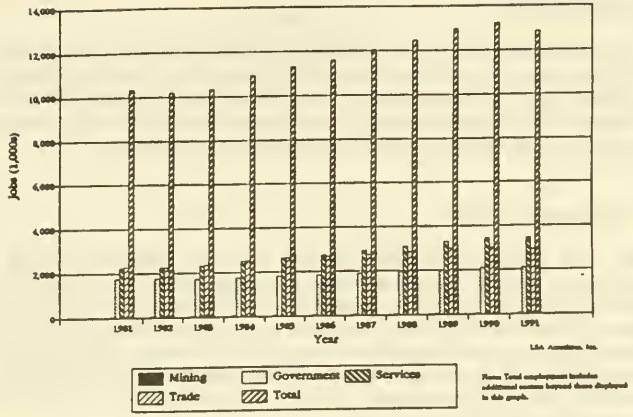
Population and Employment

State-wide trends echo those of the other two study areas. The population of California has grown at an annual rate of 2.0 percent over the past twenty years, as visually displayed in Figure 3. Total employment in California, as shown in Figure 11, has grown from 10,339,700 jobs in 1981 to 12,839,300 jobs in 1991, an annual rate of 2.0 percent.

Figure 11 demonstrates that state-wide mining employment has declined over the past ten years; from 49,200 jobs in 1981 to 38,700 jobs in 1991, a decrease of 27 percent. Approximately 78 percent of all California mining jobs are in gas and oil extraction, and it is this component which has declined over the past ten years. Metal and nonmetal mining, which is the predominant mining activity in the overall CDCA, remained approximately constant during this period but declined approximately nine percent from 1991 to 1992[30].

[30] Source: California Department of Economic Development

Figure 11
Employment, By Sector
Study Area III: California



Comparatively, as also shown in Figure 11, state-wide services employment grew from 2,240,500 jobs in 1981 to 3,444,900 jobs in 1991, an increase of 54 percent. Wholesale and retail trade employment was 2,301,600 in 1981 and 2,910,500 in 1991, a 26 percent increase, and government employment accounted for 1,756,400 jobs in 1981 and 2,078,900 jobs in 1991, a 18 percent increase.

Importance of Mining Employment to the State-Wide Economy

As the State's population, total employment, total personal income, and GSP continue to grow, and mining industry activity remains constant or grows only marginally (by about 0.1 percent annually) through the 1990's[31] the importance of mining in the state-wide economy, as measured by employment, personal income and GSP, will continue to decline.

Employment

As shown in Figure 11, state-wide mining employment has declined over the past ten years. During this period, employment in other sectors, such as services, trade and government, has grown. These trends are expected to continue. As such, the role of mining employment will become less important with time.

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[31] Source: Projections of Employment, 1987-2000, California Employment Development Department.

Personal Income

The role of mining income in state-wide personal income has been declining. In 1984, mining income represented 0.6 percent of total personal income in the State. By 1989, that percentage had declined to 0.4 percent, a 33 percent decrease. Over the same period, personal income from FIRE and services grew from 23 percent of total in 1984 to 26 percent total in 1989.

Gross Domestic Product

The gross state product (GSP), another economic indicator, can also be analyzed to identify trends in the mining industry. As shown in Table I, from 1977 to 1989, the GSP of all industries in California increased from 329.9 billion dollars to 552.1 billion dollars, as measured in constant 1982 dollars. This represents an annual average increase of 4.4 percent. During this same period, the GSP of mining declined slightly, due primarily to variability in product prices. Comparatively, GSP from manufacturing and services rose dramatically over the same period.

Table I

Gross State Product[32]
(in billions of constant 1982 dollars)

Industry	1977	1989	Percent Change
All Industries	329.9	552.1	67
Mining[33]	9.2	8.1	-12
Manufacturing	58.9	119.1	102

As shown in Figure 12, the percentage of total GSP represented by mining has been declining since 1977. This is a result of two factors. The first is an increasing GSP from sectors such as manufacturing and services. The second is a decreasing GSP from mining. For example, the GSP from nonfuel mineral commodities in the State decreased by two percent from $2.53 billion in 1991 to $2.47 billion in 1992[34]. As the total GSP grows and mining-generated GSP remains constant, mining activity will become an increasingly smaller portion of total GSP.

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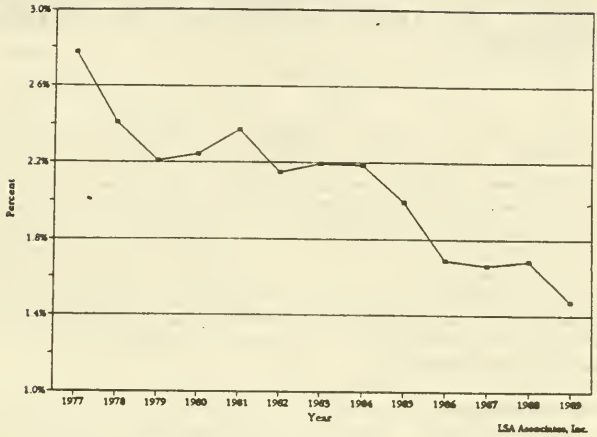
[32] Source: U.S. Department of Commerce, Bureau of Economic Analysis

[33] Includes fuels and non-fuels mining. Non-fuels mining is a relatively minor contributor to state-wide economic activity, having constituted approximately 7%, in 1977, and approximately 9%, in 1989, of gross mining sector product. There is essentially no fuels mining activity within the CDCA.

[34] Source: U.S. Bureau of Mines

Figure 12
Mining as a Percent of Total
California Gross State Product



In summary, these economic statistics present a clear picture. The relative contribution of the mining sector to the 5-county, 7-county, and state-wide economies is very small and declining over time. At the state-wide level, mining is a trivial component of the overall economy; it represents but a minor component of the regional economy of the Central Desert Counties. Reflecting rapid demographic change and economic diversification, future job creation at all three regional levels will clearly not be coming from the mining sector, regardless of the disposition of the proposed CDPA.

SECTION III:

A CRITIQUE OF "MINERAL RESOURCES OF THE CALIFORNIA DESERT AND THEIR SIGNIFICANCE TO CALIFORNIA'S ECONOMY"

BACKGROUND

In 1989, Shirley Anderson, affiliated with California State University-Northridge, released a working paper[35] that purported to estimate the mining-related regional economic implications of implementing the California Desert Protection Act (CDPA). Ms. Anderson's paper was based, in part, upon data supplied by the California Mining Association. Ms. Anderson's paper has been widely cited by those opposed to passage of the CDPA, largely because of the extremely high estimates of job losses–over 20,000 jobs are claimed to be in jeopardy if the CDPA is passed. Conversely, numerous other parties to the legislative debate over the CDPA–including mining and economics experts–strongly contest the validity of Anderson's analytical assumptions and the veracity of her conclusions.

The Wilderness Society asked LSA Associates, as part of this report, to independently evaluate Anderson's paper against standards of analytical reasonableness and other sources of expert opinion and information.

SUMMARY CONCLUSIONS

In the opinion of LSA's economics staff, Anderson's paper represents a clear example of "chicken little economics" in which the apparent desire to generate economic arguments in opposition to a contemplated environmentally-oriented statute has led to the use of numerous extreme, illogical and factually-indefensible analytical assumptions that render the conclusions both highly inaccurate and misleading. Whether intended or not, Anderson's paper misinforms the casual reader. In our opinion, based upon an accurate interpretation of the proposed CDPA and known circumstances in the California desert, the actual mining job losses that could be triggered by passage of the CDPA–both short term and in the foreseeable future–are approximately 2 orders of magnitude less than claimed by Anderson (i.e., several hundred, at most, rather than 20,000). And due to current mining regulations dealing with valid existing rights (discussed previously in this report), the short term employment effects of CDPA enactment would be none to negligible.

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[35] Mineral Resources of the California Desert and Their Significance to California's Economy, Shirley C. Anderson, School of Business Administration and Economics, California State University, Northridge, CA 91330.

Whereas Anderson assumes that all mining activity in southern California will cease within 50 years due to passage of the CDPA, a factually accurate reading of the CDPA and a reasonable assessment of the expected life of known mineral reserves leads to a drastically different conclusion. Even a cursory check of the facts, such as the CDPA is expressly designed to avoid impacting existing mining activity[36] and it will not "lock up" anywhere near all known and potential reserves in southern California, reveals that Anderson's analysis fails the test of reasonableness. Anderson simplistically assumes that all known and unknown (in 1989), available reserves will be exhausted on a straight-line trend, with final exhaustion in 50 years. There is no basis in fact for this simplistic assumption (both the trend pattern and the date of exhaustion), the effect of which is to overstate the near-term cessation of mining under the circumstances of the CDPA. Under this assumption, 10% of all desert mineral reserves known in 1987 would now be exhausted. In fact, this has simply not occurred.

Beyond the use of clearly unreasonable assumptions, Anderson's paper suffers from fundamental analytical flaws. In particular, she generates employment and income loss estimates using a non-survey input/output (I/O) model that was constructed from 1977 "national accounts" data. The accuracy of I/O-derived estimates requires conformance with a key assumption–that the structural characteristics of the economy have not changed between the time of original data collection (1977 and earlier, in this case) and the year for which impact estimates are sought.

Even if all impacts (the "initial shock" modelled by the I/O) occurred immediately upon passage of the CDPA, the underlying national accounts data would have been 10 years old in 1987 and of questionable veracity.[37] But in that the bulk of the direct losses of mining jobs, if any, would occur upon exhaustion of known reserves (i.e., at least 50 years in the future by Anderson's own admission, and most likely, much longer), the use of unaltered 1977 I/O model borders on the absurd. No one knows what the economic structure of southern California will be in 50 to 350 years, but it is a very safe bet that the 1977 structure is of very limited relevance. Even under circumstances in which the analyst expressly attempts to forecast future structural change in a modelled economy (which Anderson did not), I/O analysis is simply an inappropriate tool for very long range forecasting. In fact, there is no method of economic analysis that can generate reliable estimates even 25 years into the future, let alone 50 years or beyond.

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[36] For instance, mining operations at Searles Lake, Boron, Mesquite and Mountain Pass are expressly excluded from the boundaries of proposed parks and wilderness areas.

[37] Five years have subsequently elapsed, further rendering the 1977 national accounts data inappropriate for us and any conclusions based upon that data inaccurate and irrelevant.

By employing inappropriate analytical methods and unreasonable assumptions, Anderson has produced a paper that fails to meet minimum adequate standards of academic inquiry and that has yielded results lacking in factual credibility. The credibility of her analysis is further eroded by the out-of-context and obviously inadvertent inclusion, on page 15, of "boilerplate" text from some other document that refers to the loss of timber-related jobs due to environmental restrictions. The clear impression left by this word processing glitch is that the author is uncritically borrowing blanket arguments commonly invoked in opposition to proposals for greater environmental consideration in the management of natural resources.

INAPPROPRIATE ASSUMPTIONS

The accuracy of Anderson's analysis is fundamentally compromised by her assumption that all mining in the California desert will be eventually, but directly, prohibited if the CDPA is passed. In fact, this assumption is fundamentally inaccurate for numerous reasons, including:

- The CDPA pertains only to federal lands within the 25.5 million acre California Desert Conservation Area (roughly analogous to the physiographic extent of the California desert). Approximately 30% of the total area is under state and private ownership. Private inholdings within federal parks and wilderness areas are potential candidates for land exchanges involving other BLM land within the California desert. It is likely that land exchanges would involve areas of comparable mineral value, thereby resulting in no net loss of private land mining activity within the desert area. Further, there are active deposits of commercially valuable minerals within the California desert but well outside of the boundaries of the proposed parks and wilderness areas.

- Of the 18.5 million acres of federal land within the California desert, approximately 40% percent will be excluded from future mining activity unless valid mining rights currently exist. Portions of the remaining federal lands and virtually all of the non-federal lands will be available for future exploration and mining. In the short run, it is highly probable that none of the current mining operations will be closed by the impact of the CDPA, as the boundaries of proposed wilderness areas and parklands have been purposefully drawn to avoid most areas of current and known areas of most likely potential for future mining activity. Further, operations with valid existing rights--even within wilderness areas--will be able to continue operations under existing laws and regulations, upon passage of the CDPA.

- In the opinion of qualified experts[38], unknown mineral reserves within the CDCA are likely to be locationally correlated with areas of active mining, areas that have been excluded from the CDPA. Mineral exploration of the California Desert has been taking place for over 100 years and it is unlikely that large unknown reserves exist in areas far removed from current mining activity (and therefore potentially within areas proposed for designation as wilderness or parkland).

- According to qualified experts, known reserves of most commercially valuable minerals, which would not be impacted by the CDPA, would not be exhausted for many decades or centuries at current and foreseeable production rates, long beyond the 50 years assumed by Anderson. For instance, Professor Montana estimates that known deposits of boron, gypsum and saline minerals (virtually all of which would not be impacted by the CDPA) will last for centuries at any reasonable production rate.

- By focusing attention in her paper, Anderson implies that cement production will be curtailed upon passage of the CDPA. In fact, the region of cement production is far to the west of any of the proposed wilderness areas and parks and will remain un-impacted.

In summary, there would be virtually no short term impact on mineral production within the California desert if the CDPA were passed; and the bill has been intentionally written to minimize long term impacts on future exploration and mineral production. Known deposits of commercially valuable desert minerals, largely un-impacted by the CDPA, will not be exhausted for many decades/centuries at reasonable production rates. While the location and extent of commercially valuable, but presently unknown mineral deposits within the lands proposed for withdrawal under the CDPA is obviously an open question, some expert opinion holds that deposits discovered in the future are most likely to be located in the proximity of existing mining operations, thereby limiting the potential for future conflicts between parks/wilderness and mining since areas of existing operations are purposefully excluded from the CDPA. Even if some unreserved mineral deposits were exhausted, say 100-150 years in the future, it is simply disingenuous for Ms. Anderson to assume that a legislatively-mandated withdrawal made in 1993 would not be reviewable at that distant time.

MIS-USE OF INPUT/OUTPUT ANALYSIS

As discussed above, Anderson uses an I/O model based on 1977 national accounts data for estimating the employment and income effects of a perturbation (cessation of mining) that by her own account will not fully occur

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[38] E.G., written comments of Art Montana, Professor-of Geochemistry, Department of Earth and Space Sciences. UCLA, Los Angeles, CA.

for at least 50 years and by more reasonable standards will not occur, if at all, for many years beyond. Applying a 1977 I/O to changes that far into the future is a pointless and misleading exercise, the folly of which is only heightened by the false precision of her estimated effects (e.g., predicting job losses to "precision" of 6 significant digits).

Even if the time frame issue did not invalidate her I/O analysis, it would be equally invalidated by the non-marginal nature of the modelled perturbation. It is a fundamental assumption in I/O modelling, well recognized by active practitioners, that the changes in an economy being examined are of a marginal nature such that fundamental structural changes in the economy are not occurring. For if structural changes were to occur as a result of the modelled perturbation, the I/O model would, by definition, no longer be valid. Clearly, and despite its shrinking contribution to the regional economy, the total elimination of mining within the 5-county California desert economy represents a non-marginal perturbation, further invalidating the I/O model that was used.

Though Anderson's discussion fails to provide the reader a means of verification, it is likely that another fundamental I/O modelling mistake was made. Unless expressly accommodated with special techniques, I/O-derived employment and output multipliers describe "backward linkages" and are applicable only to changes in "sales to final demand"; that is, changes in commercial transactions between producers within the modelled system and buyers "outside" the system--e.g., exports outside of the 5-county regional economy.

Changes in the availability of a factor of production such as minerals to industrial entities within the 5-county or, even more so, the southern California regional economies may well not fully translate into a change in sales to final demand, because of input substitution. That is, production of an industry using "local" sources of a mineral may not be reduced with the elimination or reduced availability of that source, if other sources of the same materials are available or if the production process can be modified to utilize another type of raw material/input. To the extent that input substitution occurs in response to reduced availability of local mineral deposits, backward-linked final demand multipliers--such as those apparently used by Anderson--overstate the regional economic effects of the supply perturbation. Anderson's paper fails to indicate that she recognized this problem and modified her modelling approach, accordingly.

Mr. VENTO. We must hear from, finally, Mr. William Matheson from Catellus Development Corporation.

STATEMENT OF WILLIAM C. MATHESON

Mr. MATHESON. Mr. Chairman, Congressman, my name is William C. Matheson, and I am vice president of sales and land management for Catellus Development Corporation. Catellus is a publicly owned real estate company that trades on the New York, Pacific and Midwest Stock Exchanges.

In testimony today you have heard at various stages that Catellus is the land company of the Santa Fe Railroad, that Catellus stock is owned by the railroad, that Catellus was given its lands for free. None of those statements are accurate, and I just wanted to clarify that for the record.

Catellus' principal stockholder is the nearly 1-million-member California Public Employees Retirement System, known as CalPERS. The CalPERS owns about 41 percent of our stock. The railroads don't own any of our stock, to my knowledge—certainly not a significant portion.

Mr. VENTO. I had you derived from Southern Pacific. Obviously, that statement was wrong too.

Mr. MATHESON. Right. It is a common misconception and I just wanted to take this opportunity to clarify that. We have absolutely no affiliation with any railroad whatsoever.

I am pleased to be speaking here today in favor of H.R. 518 as it is currently written. Let me begin by noting that Catellus owns approximately 355,000 acres of land and mineral interests which are included in the bill, and this acreage equals about 40 percent of our entire ownership in the desert, and it equals about 60 percent of all of the private ownership inholdings, subject to this bill, in the desert.

I don't think it is an understatement to say that Catellus is impacted by this bill more than any single party, and I believe the scope of this private land inclusion is unprecedented in the history of this country. Now, fortunately, the bill as it is currently written has two mechanisms for transferring Catellus lands to the Federal Government, which everyone seems to agree there is a need to do. The land exchange mechanism is less controversial, so I would like to spend my time discussing the exchange account mechanism.

The first question that might come to mind is, Why have an exchange account at all? Why not just use the Department of the Interior to do direct land exchanges, BLM land exchanges? Well, you know, Catellus has done land exchanges, and its predecessors have done many land exchanges with the BLM over the years. The problem is there just aren't enough suitable exchange lands. They were exhausted long ago. I am sure that Secretary Babbitt, when he really looks at the inventory, is going to find that to be the case.

I know the Secretary felt it was a good idea that we could just exchange our checkerboard lands for similar checkerboard lands of the Federal Government in the desert, and that sounds like a very appealing idea when you glance at it at the surface. But when you really go down into that idea, you find that there are problems. For instance, most of those lands are subject to desert tortoise habitat or mining claims, and so they really aren't available for exchange.

The other thing that I don't think anyone has given thought to, and, of course, we would as the landowner, is that whenever there is a land exchange, although there is no income tax assessable to our company, there is a reassessment by the counties of property tax. And, if you take an example of the lands we have in the desert, if you assume a value of $45 million for our lands, for instance—I know we have heard many that are higher than that and I would like to comment later on that—if you assume $45 million is the value, that increases our property taxes by over 500 percent over what the current taxes are. We cannot produce income to cover that. It is just plain unfair to put us in a position where we now are losing money on lands through a checkerboard land exchange.

Also there has been some comments about why we need to fix a date when the credit account takes place? Why not just have it as an option? Well, there is a need for uncertainty. At least our company feels there is. It is just not fair to keep us in limbo for years and years and years because the Secretary wants to have some negotiating leverage.

There are many beauties of the exchange account which I want to highlight, and I don't think have been highlighted today. First of all, it obviously solves the problems of not enough Federal land, because it opens up the entire bank of Federal surplus lands to Catellus. Now let me define what that is. The bill defines it, but I don't think it is, maybe, clearly understood by everyone.

These are lands that are being made available to the public at large today. These are lands—these are not lands that are being selected for Catellus only, and Catellus doesn't have any preference over these lands. Catellus would have to go to this public sale and bid as any other bidder for these lands, so there is also no favorite price.

We have the right to buy these lands today. We are not asking for an increase in those rights. All we are saying is let us use the exchange account as a mechanism for payment. It is simply a mechanism for payment, and that is all.

The other thing I think we should focus on on land exchanges is that they are actually quite expensive because you have got to go through environmental assessments, archaeological—there are all sorts of expenses and thousands and thousands of taxpayer dollars. The nice thing about surplus lands is that all of this has already been done. They are released for sale. There is no extra charge to the public.

Another advantage of the exchange account is that Catellus would be trading for surplus lands that it feels that it can use, and this is bound to create jobs in the private sector, which I think is certainly something that all of us favor at this point.

I have also heard a comment made today that there is absolutely no precedent whatsoever in the history of the United States for an exchange account like this. Actually, that is not true at all. We need only look back to October 1992, the Alaska Lands Technical Corrections Act, and if you look at that you will notice some striking similarities between that law and what we are proposing. We have also submitted some technical corrections, some language in the Senate committee, and we would also like to submit it to the

subcommittee here, which aligns our language much more closely with that Act.

I would also like to point out the fact that there are other Acts enacted for the States of Hawaii and Alaska, and you will find those cited in my written testimony. So there is precedent for an exchange account. What there isn't precedent for is such a large inclusion of private lands from a single landowner. That is what there is no precedent for.

Another comment made by Secretary Babbitt was that he feels he needs more discretion, and again he said this was for negotiating leverage. Well, I guess he is really talking about price because he has got a willing landowner here. I guess what bothers me about this is we took a little bit different approach. We don't think that he should have leverage over us, and we don't think that we should have leverage over the Department of the Interior of the United States. I think we should be approaching this as some kind of mechanism to fairly compensate Catellus for its transfer of ownership, and actually the bill language does that. The valuation process is exactly the process found in the Federal Land Management Policy Act of 1976. It has been in use for 17 years. There is an arbitration procedure if the two parties disagree as to value. And it works. We have used it before. Our company has used it before.

The appraisal process as specified in the bill is controlled by the Secretary, so he can guarantee we are not going to be getting a premium. We are not out for a premium, but we don't want to be taken advantage of by having the Secretary have unfair leverage over us either. I don't think either party should have leverage. We should allow this appraisal process that has been in place for 17 years to function.

We don't object to some discretion being given to the Secretary. Don't get me wrong. But we don't want him to have too much for a couple of reasons. First of all, it is a rather selfish reason: we don't want our lands held hostage to a Secretary that says, "Unh! I don't like the price. I'm not going to do business with you."

On the other hand, I don't think that it serves the purposes of the bill either. I would imagine that if some day the Secretary of Interior might be Congressman Lewis he may decide not to have any exchanges whatsoever at all because that might meet his particular need in the bill because he is opposed to this kind of taking of property. I don't mean to single out Congressman Lewis, but my point is that you don't want the personality of the Secretary of the Interior to decide what lands are transferred and when they are transferred.

The other thing I want to talk about is the urgency to acquire inholdings because the Secretary made a comment that our lands aren't very valuable and there is no urgency. We can sit on them for 50 years. Again, I think that is unfair. We are trying to cooperate with everyone here, and to put our lands in limbo is just plain unfair.

But also, remember we are a private company; we have stockholders. We have a duty to those stockholders to try to create some value out of our assets. We are going to be forced to try to develop those properties as long as the government doesn't own them.

I would like to point out that right now 86 percent of all of the acres that we own in the desert have an activity on them. It is not true whatsoever that there are no values here, and the kinds of uses that they are being put to are, again, in my written testimony.

The other thing is that it seems like this could create a conflict between the U.S. of A. and Catellus. We could try to develop the properties. The Secretary—or other people—may try to stop us. The Secretary may try to stop us. All this conflict is unnecessary. You have a willing landowner. Just be fair to us.

The last thing I want to comment on is the value. We have heard a couple of people, Mr. Hillier and Congressman Lewis, talk about values. Congressman Lewis mentioned a value of $1,000 per acre for the Catellus property specifically, and then he tabulated that to be a $355 million bill. That would be what it would cost to buy Catellus lands. Let me point out that for an extra $125 million, based upon our price on the stock exchange, you can have the whole company. In addition to the 40 percent of lands in this bill, you can have the other 60 percent of our desert holdings, you can have our 15 million square feet of buildings, you can have two of the largest developments in America—the Mission Bay Project in Senator Feinstein's area and the Los Angeles Union Station in Los Angeles—you can have interest in six joint ventures, in apartments and in hotels, and you can have all of the other holdings that we have, prime development holdings in 12 other States.

Clearly, I know the need to exaggerate numbers to make points, but that kind of number is really not useful and I think that we should stand off of it.

I happened to look at the same report that Congressman Lewis looked at. We did a scientific study of it and we distributed this widely on the Hill in the last couple of months, and I am surprised that Congressmen Lewis didn't see it. And the BLM report actually gives a range of values, it doesn't give a single value, and it does it in different levels. If your land is a certain type it is assigned a certain value. Based upon just applying that BLM report, we came up with a value of between $74 million and $189 million for Catellus properties.

I want to point out that this was a study prepared during the Cranston bill era at a time when the BLM was antagonistic to this legislation, or this type of legislation. The actual assessed value by the county assessor is $9 million. Certainly that is way too low. The county assessed value is way too low. But I think it is safe to say that somewhere between $9 million and $189 million is where the true value lies.

The last thing I want to say is Catellus never went to the Federal Government to try to get its properties taken over by the Federal Government. We have cooperated throughout the whole process with the BLM. When Senator Cranston and Congressmen Lehman and Levine talked about including a Catellus provision, we cooperated with them. We have never tried to dictate which lands are in the lands and which lands are out of the bill. That is up to you all to do that. You are the experts on doing that.

All we are saying is, if you are going to include our lands in these boundaries, give us a fair way to transfer the properties to the Federal Government.

Thank you.

[Prepared statement of Mr. Matheson and attachment follows:]

Statement of

WILLIAM C. MATHESON
Vice President - Sales and Land Management

CATELLUS DEVELOPMENT CORPORATION

on

H.R. 518, the California Desert Protection Act of 1993

before the

NATIONAL PARKS, FORESTS AND PUBLIC LANDS SUBCOMMITTEE
OF THE
HOUSE COMMITTEE ON NATURAL RESOURCES

Washington, D.C.

June 15, 1993

STATEMENT OF
WILLIAM C. MATHESON
VICE PRESIDENT - SALES AND LAND MANAGEMENT
CATELLUS DEVELOPMENT CORPORATION
ON
H.R. 518
BEFORE THE
NATIONAL PARKS, FORESTS AND PUBLIC LANDS SUBCOMMITTEE
OF THE
HOUSE COMMITTEE ON NATURAL RESOURCES
JUNE 15, 1993

Mr. Chairman and members of the subcommittee, my name is William C. Matheson. I am Vice President - Sales & Land Management of Catellus Development Corporation. Catellus is a publicly-owned real estate development company headquartered in San Francisco, California. It develops, manages and owns real estate in California and 11 states in the West, Southwest and Midwest. Until December of 1990, Catellus was the real estate arm of the Santa Fe Pacific Corporation. In December 1989, the nearly 1,000,000-member California Public Employees Retirement System ("CalPERS") purchased a 19.9% interest in the company, and a year later the remaining shares of Catellus were spun off to its parent company stockholders. CalPERS has since increased its ownership in Catellus to 41%.

My testimony today will focus on the provisions of H.R. 518 which would enable the federal government to acquire the extensive private lands owned by Catellus that are included within the boundaries of H.R. 518's proposed wilderness and park areas. Let

me begin by noting that earlier versions of H.R. 518 would have had severe adverse consequences for Catellus stockholders. However, the authors of H.R. 518, Chairman Miller and Mr. Lehman, faced a unique, difficult challenge and have struck an appropriate balance between protecting lands for wilderness and national parks and respecting the property interests of Catellus stockholders.

I. The Effect of Wilderness and Park Designations on Private Landholdings Included within Them

Catellus owns approximately 355,013 acres of land and mineral interests which would be included within the boundaries of 24 of H.R. 518's proposed wilderness areas and two of its national park units. This acreage amounts to more than 40% of the 885,690 acres of mountain and desert land owned by Catellus in California and approximately 60% of all of the private lands included in the bill's wilderness and park units. Appendix A to my statement summarizes the location of these lands. A complete inventory of the lands has been provided to the committee staff.

Catellus's desert lands have historically supported a wide variety of development activities providing income to Catellus. These include:

- Precious metal exploration and development,
- Oil and gas exploration and development,
- Geothermal development,
- Sand and gravel extraction for the construction of homes, highways, office buildings etc.,
- Solar power generation,

- Placement of rights-of-way for fiber optic cables, pipelines, power lines, telephone lines and other utilities,
- Placement of communication sites for television and radio transmitters with access roads in remote locations surrounded by vacant land free of electro-magnetic fields,
- Secret weapons testing,
- Grazing and forage for cattle and sheep,
- Agriculture, such as the growing of table grapes and
- Providing play areas for off-road, recreational vehicles.

Placing Catellus's lands in wilderness and park units will preclude these economic uses. This occurs for two reasons. First, federal wilderness or park designation will subject development activities within the areas to regulatory restrictions designed to afford maximum protection to wilderness and park values. These restrictions will make development activities uneconomic. Second, should Catellus attempt to conduct any development on these lands -- notwithstanding these restrictions -- it would be exposed to costly litigation intended to frustrate any development and stimulate adverse public reaction. The result, of course, will be that the affected Catellus lands will suffer a significant diminution in value.

If Congress takes an action, such as this, which devalues a landowner's investment, fairness and equity require that it provide a way to compensate the landowner for its loss. Catellus objected

to earlier versions of H.R. 518 because they failed to provide a realistic means by which Catellus's lands could be acquired and Catellus could be compensated. Budgetary constraints and the sizeable backlog of private lands awaiting Congressional appropriations for their acquisition suggested that within the foreseeable future the federal government would be unable to purchase the Catellus acreage affected by those bills. Further, land exchanges with the Bureau of Land Management ("BLM") under existing statutory authorities were not the answer because the BLM did not (and does not today) have enough suitable land classified for disposal under its jurisdiction in California to acquire the large quantity of Catellus lands involved. Thus, the unique circumstances involved in this massive land acquisition demanded the imaginative solution contained in H.R. 518.

II. H.R. 518 Includes Provisions Which Will Allow the Federal Government to Acquire the Catellus Inholdings Within a Reasonable Period of Time and in a Manner Which Protects the Public Interest.

H.R. 518 provides the BLM and the Park Service with an acquisition tool which we believe will enable them to acquire the Catellus inholdings within a reasonable period of time. Section 611 authorizes the Secretary of the Interior to acquire Catellus landholdings by crediting an "exchange account" in Catellus's name at the time Catellus lands are transferred to the United States. The amount credited to the Catellus account would be the fair market value of the lands as determined by appraisal performed by the Secretary. Catellus would be authorized to use these credits

in payment for property sold in public sales by any federal agency. This would include lands sold by the General Services Administration, the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.

H.R. 518 structures the exchange account in such a way as to ensure that Catellus will eventually be compensated for the value of all of its holdings included within the bill's wilderness and park designations. The bill does not leave to the discretion of the Secretary which lands should be accepted by the Secretary and transferred to the United States. We do not believe that there is a public interest rationale for conferring on the Secretary the discretion to refuse to accept title to lands which Catellus is willing to transfer for exchange credits. We are unable to conceive of any circumstances, other than those specified in section 611, in which it would not be in the public interest for the Secretary to accept title to private lands placed in wilderness and park units. Indeed, it should be presumed that it is in the public interest to acquire all of these lands, since the Secretary's ability to manage and protect these areas will be significantly enhanced by the federal government's acquisition of the private inholdings.

Congress has authorized the use of exchange accounts in several earlier statutes, and the House in the last Congress included a provision in the California Desert bill it passed which is identical to section 61. Acts establishing similar accounts for the Cook Inlet Region, Incorporated, (§ 12 of Public Law No. 94-

204, 89 Stat. 1150 (January 2, 1976), 43 U.S.C. 1611 note), for the Haida Corporation (§ 15 of Public Law 102-415, 106 Stat. 2123 (October 14, 1992)), the Gold Creek Susitna Association, Incorporated (Section 20 of Public Law 102-415, 106 Stat. 2127, (October 14, 1992)) and for the landowners in Kaloko Honokohau National Historical Park, (Public Law No. 98-146, 97 Stat. 954 (November 4, 1983), 16 U.S.C. 396f) are recent precedents for the exchange account provisions of Section 611. Exchange accounts were employed in these acts because Congress recognized that, for a variety of reasons, land exchanges were inadequate as a means of acquiring the private inholdings in the Hawaiian park or satisfying the land entitlements of the Alaska Native corporations.

The exchange account mechanism has a number of advantages over the traditional land exchange employed to acquire non-federal inholdings. First, under the exchange account procedure, the government can be assured that it is getting the highest value for the land it is selling, because sales by competitive bidding are recognized as the truest way of realizing the fair market value of property. In traditional land exchanges, on the other hand, the value of the federal land is determined by appraisal and often through negotiations to resolve disputes over conflicting appraisals. Public land managers attempting to acquire non-federal lands by exchange are subjected -- often unfairly -- to criticism for disposing of lands for less than their fair market value. Disposing of federal lands in competitive sales avoids subjecting public land managers to these charges. Under section 611, Catellus

would be using its credits to acquire lands in public sales of federal property.

The second advantage of the exchange account procedure is that it does not give the private landowner a preference of any sort to select federal lands for acquisition. Catellus would be competing on an equal footing with other parties for the purchase of lands which the federal agency has selected for sale.

The third advantage is that use of the credits does not in any way alter the disposal practices of the agency offering federal lands for sale. Decisions by land management agencies to offer a particular tract of land for exchange have often been criticized for allegedly being dictated more by the objectives of the non-federal party to the exchange than by the disposal standards of the agency. Under section 611, credits could only be used by Catellus as a method of payment and would not affect agencies' decisions to retain or sell lands.

The fourth advantage of the exchange account mechanism is that it makes more federal land available for private land acquisition. Public lands managed by the Bureau of Land Management and the Forest Service in California are essentially the only lands under current authorities and agency practices that would be available for exchange to acquire the Catellus inholdings. Because section 206 of the Federal Land Policy and Management Act, 43 U.S.C. § 1716, prohibits interstate land exchanges, only public lands located in California could be used to acquire the Catellus lands by exchange. This presents a problem because there is not enough

suitable public land in California classified for disposal to acquire all of the Catellus acreage included in H.R. 518's wilderness and park units. The exchange account mechanism of section 611 of H.R. 518 would help solve this problem. Catellus would be permitted to use its credits to acquire other federal properties sold by several other federal agencies or instrumentalities -- within or outside of California -- but would not authorize Catellus to purchase federal lands which it can not now purchase in the various states. As a matter of precedent, Congress has authorized the use of exchange credits for lands located in other states to resolve similar situations in Alaska and Hawaii, as cited earlier in my testimony.

A separate provision from the exchange account mechanism would further alleviate the shortage of available land for exchange by allowing the Secretary to negotiate interstate land exchanges, subject to Congressional approval. While section 611 would allow the Secretary of the Interior to negotiate an interstate land exchange agreement with Catellus, it would require that the exchange be approved by a joint resolution of Congress before it may take effect. We believe that there are less cumbersome ways to give the states involved an appropriate role. One approach, for example, would be to direct the Secretary to involve the governors of the affected states in the development of the exchange proposal and to reflect their views in any exchange agreements.

In any case, we believe that it is sound public policy for Congress to authorize the Secretary of the Interior to consider

lands under his jurisdiction in other states for possible exchange. In 1970, the 19 members of the Public Land Law Review Commission, 13 of whom were Western senators, Congressmen or presidential appointees, unanimously recommended that "generally, within each department, all federally owned lands otherwise available for disposal should be subject to exchange, regardless of agency jurisdiction and geographic limitation." (Recommendation 126). The Commission's recommendation is one of the few that, for some reason, has not yet been enacted by Congress.

III. Catellus Recommends Two Amendments to the Exchange Account Provisions of H.R. 518.

We suggest two amendments to H.R. 518 which would make the exchange account more effective as a land acquisition device for the Secretary of the Interior and more equitable to Catellus.

As section 611 is now written, Catellus could transfer lands to the Secretary, receive credits on its account but have no assurance as to when it could exchange the credit for federal property. If it transfers lands for credits which remain static in value, it risks losing the appreciation it would have otherwise realized on the lands had it retained them. To avoid this risk, Catellus may be forced to withhold transferring its lands until it is the successful bidder on federal lands for which it may use its credits. It seems to us that it would make more sense, and would be fairer to Catellus, to provide for adjustments to the balance of the account to reflect any appreciation Catellus would have realized had it retained title to lands transferred to the

Secretary of the Interior for credits. Hence, we suggest that section 611 be amended to do just that. With this change, the timing of the transfer of Catellus lands would be dictated more by the land management objectives of the Secretary of the Interior than Catellus' ability to use its exchange credits.

The second amendment we are suggesting would provide that for federal tax purposes, no gain would be recognized on our receipt of credits as long as the credits are used to acquire "like kind" property. This amendment, like the first I mentioned, would make the exchange account more workable as a land acquisition tool.

The exchange account is plainly a mechanism to accomplish land exchanges. Under current tax law, any gain realized in an exchange transaction is not recognized for tax purposes if the exchange involves "like kind" property. However, we have been advised by tax counsel that if we receive exchange credits for the transfer of our land, we may be required to pay tax on the credits even though they are intended to be exchanged for what the tax law would consider "like kind" property. Consequently, we could incur what could be a substantial tax liability from the transaction without generating any cash with which to satisfy the liability.

Because we could not afford the potential tax liability that would be triggered by the receipt of credits, we would be forced to delay transfers under the exchange account procedure until we have structured the transaction in a way that would qualify it as an exchange. For example, we may be required to withhold transferring our lands until nearly the exact time at which we are

able to exchange the credits for other property.

We would like to explore with the bill's authors and the other members of the committee whether these amendments could be added to H.R. 518. We would also like to work with committee staff on any perfecting amendments that may be necessary to ensure that section 611's exchange account language accomplishes the objectives I have described in my testimony today.

IV. Conclusion

Throughout the legislative debate over the future of the California Desert, Catellus has taken no position on the issues of which lands or how much land should be preserved for wilderness or national parks. Our objective has been to accommodate the decisions of the public and its elected representatives on these issues, while preserving for our shareholders the value of their investment in lands affected by these decisions. I am pleased to state that Catellus supports H.R. 518 because it allows us to fulfill this objective.

Thank you for allowing me to testify. I will be happy to try to answer any questions that you or the other members of the subcommittee might have.

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C A T E L L U S

SUMMARY OF CATELLUS LANDS AFFECTED BY H.R. 518, THE PROPOSED CALIFORNIA DESERT PROTECTION ACT

Total Acreage Affected: 355,013[1]

Allocation of Affected Acreage:

o **24 BLM-Administered Wilderness Areas:**	253,120
o **Mojave National Park:**	88,004 (23,315 of which are also in national park wilderness)
o **Addition to Joshua Tree National Monument:**	13,889

Acreage Classified as Having High Mineral Potential:

o **Portions of 11 Wilderness Areas:**	48,425
o **Mojave National Park:**	22,286
Total:	70,711

Location of Acreage:

o **Imperial County**	1,761
o **Riverside County**	16,616
o **San Bernardino County**	336,636

[1]Except for 11,728 acres in which it owns only the subsurface estate, Catellus holds full fee title to this acreage. Also, 27,442 acres of the total acreage affected lie outside S. 21's wilderness and park boundaries in parcels of land which straddle those boundaries.

Appendix A

CATELLUS DEVELOPMENT CORPORATION

201 MISSION STREET, 30TH FLOOR · SAN FRANCISCO, CALIFORNIA 94105 · TEL 415 974-4500 FAX 415 974-4613

Mr. VENTO. Well, thank you. I appreciate your clarification. Obviously, there are differences about value. You are not that much undervalued, though, on the stock exchange; is that right, especially at today's stock market prices, which tend to be a little higher than they were a year ago?

Mr. MATHESON. Well, our price has held pretty steady for a number of months.

Mr. VENTO. So there is nothing unusual about this?

Mr. MATHESON. No. No, absolutely not.

Mr. VENTO. What is the nature of your management of most of these lands that are in boundaries of wilderness or conservation areas or park areas where they would fall under the provisions of the bill and be eligible for the exchange and/or the credits?

Mr. MATHESON. When you say the nature, you mean what uses are they being put to?

Mr. VENTO. Well, that is right. The management style, is it passive?

Mr. MATHESON. No.

Mr. VENTO. Do you have any active income? What type of active income or utilization is taking place?

Mr. MATHESON. No, it is not passive. Let me just illustrate how non-passive it is. It used to be at one time, when the railroad did own these properties, that they could be pretty passive. Fifteen years ago, as of May 1, 1978, approximately 22 percent of these desert lands were being utilized. Catellus, originally Santa Fe Pacific Realty, took over around 1985, and as of May 1, 1993, 86 percent is now put under some use. And in addition, I want to point out that we have disposed of 190,000 acres, just outright disposed of, and that is not included in that 86 percent number. So we are highly active. We have to be in today's day and age where we just have to make the best use of the assets.

Some of the examples of what we are doing with these assets are agricultural; solar, wind and geothermal; grazing; hazardous waste landfill; microwave communications sites; minerals, oil and gas activities; public utilities; and recreational uses; and secret weapons testing. And those are just some of the uses of these lands.

Mr. VENTO. Yes. Well, I assume not their secret weapons. Yes. The Secretary especially—I think, Mr. Matheson, you spoke to this—this morning he included one involving the extended date of October 1996 to 1998. In other words, you want a conclusion brought to this, not for everything to wait until 1998?

Mr. MATHESON. That is correct. We feel it would be in everyone's best interest to make the date certain as soon as possible. We are perfectly willing to cooperate in a good faith effort to do land exchanges with the Department of the Interior. We just happen to know those lands pretty well; have worked with them for a number of years. And I don't think it is going to take too long to find out there just isn't enough to cover the situation.

Mr. VENTO. But even in the entire inventory nationwide?

Mr. MATHESON. Well, nationwide, we haven't looked at and I would have to reserve comment.

Mr. VENTO. Yes. We know the California limitations, but this legislation presents us with the opportunity to come back with a resolution.

Mr. MATHESON. That is right. As long as Congress approves it, we could do that, and we would love to do that.

Mr. VENTO. And you say you are in 12 States?

Mr. MATHESON. That is correct.

Mr. VENTO. And they are generally the Western States, I assume.

Mr. MATHESON. Yes, they are. All the Western States.

Mr. VENTO. So you obviously have some capability to make evaluations and to administratively manage lands. So they would have some value to you.

Mr. MATHESON. Absolutely.

Mr. VENTO. I was trying to understand the issue on the property tax changes in terms of valuations that might be made. That is especially of concern to you.

Mr. MATHESON. Yes.

Mr. VENTO. And that as part of this particular process may take place, and so once they are a matter of record and stipulated, then you are concerned that San Bernardino County or wherever these lands are located would then treat you differently.

Mr. MATHESON. Well, they wouldn't treat us differently. There was a proposition passed in California a number of years ago called Proposition 13, which many of you may remember or know of, and it does not permit the escalation of property taxes just because the value of the properties escalate. They stay fixed at a level based upon the purchase price, and then they are allowed to escalate it on a certain formula.

And whenever lands are transferred, that is the chance for the counties to catch up and to reassess the lands. I assume Secretary Babbitt's intention of a checkerboard exchange was to say, Well, here is some sand here and here is some sand here and we will just swap, and you are not the worse off. But actually, we are the worse off because these counties are going to reassess us according to the law of the State of California.

Mr. VENTO. So, in other words, as long as you keep the same ownership you don't have that particular problem. But if you change ownership or change the land in ownership, then you are automatically subjected to the full assessment process.

Mr. MATHESON. Exactly.

Mr. VENTO. I don't know how that is remedied if you select anything in California. But the same problem could or would occur if you selected land in Nevada, perhaps.

Mr. MATHESON. Well, that is true. It could occur. It depends, I think, on the local rules. We would have to look into that. But if we have some say in what land is going to be selected such as using the exchange account, then, yes, our taxes go up but at least we have some potential for turning that acquisition into something with income, with more income to offset the taxes.

Now, Mr. Blair, I am told that when you are in the Senate you were able to recite some of your prose, but didn't do so, for Mr. Hansen and I. I won't ask you to do so now, but congratulate you on that ability and skill.

One of the things you point out is the issue of the 25-year sunset for grazing permit activity in the East Mojave. Today, I mean, most

of your permits actually last a shorter period of time, don't they? What are we, 10-year permits?

Mr. BLAIR. See the 25-year sunset clause was put in there as a front, actually. If you look into it, yes, the words in the bill say that it is at the discretion of the park director. He can cancel it at the end of your lease or not renew your lease.

Mr. VENTO. I think the reason for that, Mr. Blair—I can understand why you would be concerned about it. We work with this particular policy all the time as it is applicable to BLM or the Forest Service and they basically have the same option at the end of a 10-year permit, a grazing permit, to terminate it. Very often they do not. We expect a good faith effort.

Mr. BLAIR. Historically, they haven't terminated them.

Mr. VENTO. Yes. Well, I think the point is that what we are really doing is picking up on the same sort of language, or discretion at least. I think that was the intent. In other words, passing that same sort of discretion or administrative ability to the Park Service personnel as is exercised by BLM and the Forest Service. As a matter of fact, more often than not what happens in these areas where we have had instances of this is that the Park Service does not do all the work. In fact, the BLM probably handles most of the grazing activities in some Park Service areas where grazing is permitted or where it is being phased out. So they really don't get into on-the-ground type of activity. They rather yield to the BLM to actually help them in these areas, even though they are National Parks.

So it is not at all unusual to have, really, the same personnel that you would be dealing with in that particular instance. So I just wanted to discuss that particular point with you because someone might assume from your testimony that if we were to move forward here that you would oppose that provision of the bill, and you surely would not, although you oppose the Mojave Desert designation as a park, I assume.

Mr. BLAIR. Yes, I do.

Mr. VENTO. You say that you are concerned about field hearings. Several years ago I directed a series of field hearings, and, in fact, convened one in Beverly Hills. Of course, it was sort of a tough place to have hearings with a lot of people present at them. But we did get to hear a couple of minutes, I guess, from everyone that was on the witness list.

So there were others, of course. Someone talked about the number of field hearing record that came out of the land-use decisions and proposals, so we had a pretty good gauge of where people are coming from, didn't we?

Mr. BLAIR. In some aspects. If you want to see the desert, you're not going to see it from Beverly Hills.

Mr. VENTO. No. I was actually——

Mr. BLAIR. I would like you to come out and look at the desert, not at Beverly Hills.

Mr. VENTO. I did go—we had a field visit in addition to the hearings in which we, in fact, flew around for some days and took a pretty good look. The other field hearings were in Bishop and Barstow. But the point was that we also had a field visit. You had raised questions about hearings and I wanted to tell you that we

did have hearings in the field, and we also had a field visit. Most of the members individually, including the Secretary, have been out on the ground. I stood in various valleys, Saline Valley and other areas there, and we did spend the better part of a week going over the area, which obviously doesn't represent the type of lifetime experience you have had but it at least gives us a little taste of what we are dealing with.

So I did want to share that with you and to point that out.

Mr. Riedy, have you had an opportunity to review the detailed outline of suggested boundary changes that Mr. Reddy's organization has provided to the Senate?

Mr. RIEDY. I am familiar with a number of them; yes.

Mr. VENTO. Any comments at this point?

Mr. RIEDY. Well, one of them was the South Algodones Dunes and——

Mr. VENTO. The Dunes?

Mr. RIEDY. The South Algodones.

Mr. VENTO. Yes. Well, we had talked about that too, and I want to get back to that in a moment.

Mr. RIEDY. All areas that we have looked at before and considered for various reasons felt that the primitive routes that enter the areas should remain closed. For example, I think it was the Old Woman Mountains where they are suggesting some routes be extended from the edge of the area or remain open up into the site of some wildlife guzzlers, and we felt that it was not beneficial to wildlife using the guzzlers or necessary under the BLM's management regulations to allow maintenance. They could still use that primitive route even if it was wildlife if it was the minimum tool necessary.

There were a couple of areas. I can't off the top of my head remember them.

Mr. VENTO. Yes. Well, okay.

Mr. RIEDY. We felt that there could be some changes to accommodate some of their requests.

Mr. VENTO. Well, I think that that is helpful. So we haven't had a chance to see them. And I might say, Mr. Matheson, that maybe our friend Congressman Lewis had received a copy, and maybe my staff did, but if you have an extra copy of this valuation matter that you were going through I would like to have it in my hand here before I leave today.

[The information follows:]

ESTIMATED VALUE OF CATELLUS SURFACE INHOLDINGS ASSOCIATED WITH S. 21 AND H.R. 518 ACCORDING TO BUREAU OF LAND MANAGEMENT CALIFORNIA STATE OFFICE OCTOBER 1991 REPORT

- The Bureau of Land Management's (BLM) California State Office prepared a report dated October 1991 estimating the costs of acquiring inholdings created by designating new wilderness and park units by H.R. 2929, the California Desert bill proposed by the House in the 102nd Congress, which includes essentially the same Catellus lands in wilderness or parks as S. 21 and H.R. 518. To estimate the surface value of these inholdings, the BLM used a system that assigned a range of values based upon the inholdings' location within "Inholding Value Units" (IVU). These estimates assume that the lands are subject to "normal and customary" mineral reservations. The BLM report does not estimate the mineral value of inholdings.

- Approximately 355,000 acres of Catellus's land and mineral interests are included within the boundaries of S. 21's and H.R. 518's wilderness and park units. The location of these lands within BLM's IVUs and the range of value BLM's report would assign to them is summarized below:

BLM IVU	Price Per Acre	Catellus Acres	Value Range
2	$250-$400	168,165	$42,041,250 - $67,266,000
3	$100-$400	166,304	$16,630,400 - $66,521,600
4	$450-$1000	9,026	$ 4,061,700 - $ 9,026,000
6	$1000-$4000	11,518	$11,518,000 - $46,072,000
TOTAL		355,013	$74,251,350 - $188,885,600

- Combining the above estimates, the estimated surface value of the 355,000 acres of Catellus lands and mineral interests affected by S. 21 and H.R. 518 would range from $74,251,350 to $188,885,600.

Mr. VENTO. And looking at that dune that was referred to, the South Algodones Dune, do you have a particular value for mining here, Mr. Reddy? We have a few moraines and dunes in our area. We don't have the hills anymore, in Minnesota, because they made highways out of them. They are pretty big too.

Mr. RIEDY. Okay. If we have something in the dune, I am totally unfamiliar with it.

Mr. VENTO. Oh. You are unfamiliar with it. Anyway, that was an area, apparently one of the boundaries that Mr. Reddy was familiar with specifically because he is working on this.

Mr. Riedy, what is the area that remains open then on this particular done? As I recall, the initial BLM plan just dealt with the area to the north, and then the subsequent plan in H.R. 2929 included the southern portion. Is that correct?

Mr. RIEDY. That is correct. In the dune system there are two designated wilderness study areas by BLM.

Mr. VENTO. Right. Well, how large are these areas? Can you give me some numbers?

Mr. RIEDY. Well, let me ask my colleague here.

Mr. VENTO. Sure. Okay, he doesn't have it with him right now.

Mr. RIEDY. It is about sixty, Kurt? Forty? Sixty-four thousand acres.

Mr. VENTO. The whole dune is 64,000?

Mr. RIEDY. No. The whole dune is about 150,000 acres.

Mr. VENTO. Okay. So what you have got here is you really have, in other words, two areas in wilderness that comprise about 67,000 acres and then the remaining remains open to some extent to off-road vehicles. Is that right, Mr. Hathaway? You apparently are the resident expert here on off-road vehicles on this panel.

Mr. HUGHES. Not necessarily. But I do have a little familiarity with the dunes, and I think the problem that isn't being seen here is that it is a boundary problem. Basically, the area which is WSA 362 is all sand dunes, even the blue areas where use is occurring. In the 362 area there is no definable boundaries out there.

Mr. VENTO. Okay.

Mr. HUGHES. So what we would be doing, in effect, would be creating conflict, and we don't need to create conflict. That area of the dunes gets about 10 percent of the use that occurs out there, which doesn't sound like a lot, but it is a different type of use. The use that stays up in the more concentrated areas is the kind of person that really likes to go up and down the dunes. The use that occurs out in the 362, which is the kind of use that I and my daughter happen to like is basically exploring the backs of the dunes and checking out what is out there, the nature of things, and the scenery, and it is a different type of experience which is of value to us.

Mr. VENTO. In other words, you are supportive of the wilderness to the north, I guess?

Mr. HUGHES. Yes, sir.

Mr. VENTO. Do we have a boundary problem to the north as well in terms of the blue area that is illustrated on this map of Mr. Riedy's where there isn't definable boundaries again?

Mr. HUGHES. Again that area, there is some encroachment in the left upper corner of the WSA 360, some problems in there that the

BLM seems to be handling. That area doesn't get very much use, maybe 5 to 10 percent again. It is direct road that you have to follow up the railroad to get to it, so it is somewhat set apart from the other.

The boundary up there does seem to be working. It does get some encroachment but it doesn't get the heavy use that the southern area gets.

Mr. VENTO. One of our colleagues here earlier talked about, and I would like both Mr. Riedy and you to comment about this, about the fact that the utilization here is such that you have to have the larger area because otherwise there are too many people concentrated in too small an area. But we are talking about a total of something like 7,000 acres of land that would be open and about 6,000 to 7,000 that would be closed, I guess, based on the total size of this area.

Seven thousand acres in this area is too small, Mr. Hathaway?

Mr. HUGHES. Which area are you referring to? I am sorry.

Mr. VENTO. Right here. Well, they are all in pieces actually. I guess one piece might be 4,000, one might be 2,000, one might 1,000, I don't know. This particular done.

Mr. HUGHES. The Mammoth Wash area is about 10,000 acres.

Mr. VENTO. Okay.

Mr. HUGHES. That is the area to the far north.

Mr. RIEDY. Yes, the far north. The blue at the upper left of the map.

Mr. VENTO. Okay. So these areas are too small an area? They concentrate use too much in these areas? I mean based on this particular plan.

Mr. HUGHES. No. There is not much use up in the Mammoth Wash area because it is quite a distance from the others. But if you take out WSA 362 and make it wildlife as far as our organizations are concerned, we do create conflict and that the area available for use will be dramatically smaller, and that that will create problems. Yes.

Mr. VENTO. Yes. But my point is that in looking at this dune it is apparently 61,000 acres. These are the wilderness areas that are included in the bill. But they must go in and out, and so what I am trying to do is ask whether there is a concentrated use that actually promotes—you have got the administrative boundary issue here, I understand that. But these areas still look pretty significant in size to me.

Mr. HUGHES. Again, it is a different type of experience. The use patterns tend to concentrate around the staging areas and yet the experience that you get out in WSA 362 is a different type of experience than that concentrated use experience. It is a different form of off-road recreation. It is exploring and enjoying the scenic attributes of that area versus the play-type use that occurs around the staging areas, and it is of value to us.

Mr. VENTO. We are going to have to proceed to a vote here in a minute. Mr. Riedy, did you have any comments on my question?

Mr. RIEDY. Well, just that a proposal—this is one dune system out of others in the California Desert. This is the one that wildlife does overlap some, so there are other areas in the region to use. I might point out, as Mr. Hathaway did, the northern part, the

Mammoth Wash that is open, in blue there, is remote, has some of the same attributes that he is talking about that the southern WSA or proposed wildlife, and so there is a cross section of types of recreational opportunities in this dune system under this proposal.

Mr. VENTO. Well, gentlemen, as you can see, I have to depart for a vote, so I am not going to hold you. I don't know of any other questions that members have, but we will keep the record open briefly so that if questions come up you will be able to respond to them. I thank you very much. The meeting stands adjourned.

[Whereupon, at 4:30 p.m., the subcommittee was adjourned, to reconvene subject to the call of the chair.]

APPENDIX

JUNE 15, 1993

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

STATEMENT OF HON. KEN CALVERT

TO THE HOUSE COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS & PUBLIC LANDS

June 15, 1993

Thank you, Mr. Chairman.

I appreciate having this opportunity to hear from Secretary Babbitt on this important issue, but to be quite frank about it, I view this legislation as just the latest attack in the war that the Clinton Administration seems to be waging on my state of California.

Along with huge cutbacks in the defense and aerospace industries, the President's economic plan will mean a net loss to California of $11.6 billion over the next five years. And now, the Administration wants Congress to enact yet another piece of legislation that will be a blow to the Golden State.

This legislation will have an adverse affect on the cattle industry, the mining industry, the recreation industry (such as hunting, and off-road vehicles) and many other industries. And, it will have the effect of causing land owned by many private citizens to lose value due to condemnation by the federal government. Many innocent people will suffer from this legislation -- particularly those who can't pay high-price lobbyists to gain special treatment.

But the real shame of the Administration's uncompromising position is that it rejects the recommendations of the Secretaries of the Interior of both Presidents Carter and Reagan, and will basically make a large portion of this land little more than a museum -- at a cost in excess of a billion dollars, at a time when the treasury is broke, AND the National Park Service already has an estimated land acquisition backlog of $4 billion.

I am not sure how the Administration can claim to be in support of reducing the size of government and bringing down the debt, when, at the same time, it seeks appropriations for millions and millions of acres of desert land. We can't afford to purchase all of the land we have already promised to buy for the National Park Service - and the NPS can't maintain all of the land it already controls.

Mr. Secretary, I would like to understand why you and the Administration will not support a reasonable compromise, such as the one introduced by Congressmen Jerry Lewis and Al McCandless, which protects the environment, but also supports American workers, vacationers, hunters and others.

When the President was in California last month, he said, "We can't turn this country's economy around unless we lift California up."

So far, this Administration has had a funny way of "lifting California up." If it "lifts" us much lower, we'll never get out of our financial hole.

OPENING STATEMENT

THE HONORABLE RICHARD H. LEHMAN

H.R 518, THE CALIFORNIA DESERT PROTECTION ACT OF 1993

SUBCOMMITTEE ON NATIONAL PARKS FORESTS AND PUBLIC LANDS

JUNE 15, 1993

Mr. Chairman, I appreciate that the Chairman of the Subcommittee, Mr. Vento, has scheduled a hearing on H.R. 518 so that we may address the bill's key issues before the Senate acts on similar legislation. As I have said since first testifying on a desert protection bill in 1989, "business as usual" in the California Desert is not an option. We must protect the desert and this protection must begin with legislation followed by tough administrative guidelines.

For seven of my years in Congress, bills to protect the California desert have been introduced -- and for seven years -- these bills have failed. Last Congress, I along with Congressman Mel Levine, introduced the California Desert Protection Act of 1991, a bill that later passed the Committee and the House by overwhelming majorities. The Bush Administration expressed its intent to veto the bill and -- except for one hearing -- it was not acted on by the Senate.

Since 1991, much has changed. With the able leadership of California's two new Senators and an Administration that recognizes the value of conserving California's fragile desert ecosystem, I am very hopeful that we will have a bill signed into law in the 103rd Congress.

Mr. Chairman -- without protection -- the California desert is vulnerable to exploitation, abuse and the normal wear and tear of consistent use. Nine hearings have demonstrated the certain need to protect the desert and the widespread support for this legislation.

Last Congress I sought compromise with the bill's opponents and eliminated 271,000 acres from wilderness designation for off-road vehicle use, utility purposes and mining interests.

- We eliminated all known active mines from wilderness areas.
- We resolved the specific concerns of utilities.
- We trimmed 75,000 acres and 114 miles from the bill for off-road vehicle use.
- We included language to provide a land exchange for two of the largest private landowners in the desert, the California State Lands Commission, and the Catellus Corporation.

- We included language which allowed grazing within the East Mojave National Monument for up to 25 years and directed the Secretary of the Interior to give priority to acquiring the base property of ranchers who are willing to sell.
- We kept three proposed wilderness areas -- totalling 160,000 acres near Fort Irwin --in study status pending expansion proposals from the Department of Defense.

I believe these changes made a good bill even better and helped us garner even more support from people who have interests in the desert. This bill is not a **baseline.** This bill is a **compromise.**

The House of Representatives passed this bill overwhelmingly during the last Congress. There have been four field hearings on this issue during which the Congress has heard from over 500 witnesses on this subject. Over 200 hundred witnesses presented testimony at a Senate hearing in April 1992, on virtually the same bill that we have before us today.

I have listened and will continue to listen to the concerns of the bill's

opponents but must state plainly that the train has moved out of the station. The Senate's deliberations on S. 21 are fundamental because the Senate has not spoken on this issue. The House has spoken. A good bill from the Senate will go a long way toward passage of a law to protect the California desert.

Today, we will discuss the economic effects of this legislation and I will present information from the National Park Service that outlines the contribution of the Joshua Tree and Death Valley National Monuments to regional economy. I am hopeful that the Park Service will also soon be able to formulate similar projections for the East Mojave as I understand these numbers are not available yet. The economic dislocations caused by this legislation have been greatly exaggerated and this hearing should help continue to dispel accusations to the contrary.

During this Congress we are scheduled to reauthorize the Endangered Species Act, the Clean Water Act and the Resource Conservation and Recovery Act. These bills included -- the California Desert Protection Act can stand alone as the single most important environmental protection legislation of the 103rd Congress. I am hopeful that we will finally provide the desert the

protection it deserves. I thank the Chairman for his assistance and look forward to the testimony of our witnesses.

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 3, 1993

Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks, Forests and Public Lands
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This presents the views of the Department of Justice on H.R. 518, the "California Desert Protection Act of 1993." We support the protection of this valuable desert ecosystem and offer the following comments so that the California Desert Protection Act may avoid unintended conflicts with the Constitution and the responsibilities of the Department of Justice.

Section 606 of H.R. 518 provides:

> In recognition of the past use of the parks, monument, and wilderness areas designed [sic] under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, monument, and wilderness areas by Indian people for such traditional cultural and religious purposes.

(Emphasis added.) This language requires the Secretary of the Interior to provide access to Native Americans and will expose the United States to liability should the Secretary decide that his other responsibilities require him to deny access to Native Americans. For this reason, we suggest that the phrase "shall ensure" be qualified by adding to the end of this sentence ", unless such access would conflict with other duties of the Secretary." This language will accomplish the purpose in almost all instances while recognizing that, in some situations, other duties might counsel the Secretary to limit access by Native Americans.

Section 606 also provides:

> In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, monument or wilderness areas

> in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people.

(Emphasis added.) This provision might be challenged as violating the Establishment Clause of the Constitution, which provides that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I. This provision could be viewed as authorizing special treatment (the exclusion of outsiders) for one set of religions, thereby conferring a benefit on those religions. Although allowing Native American practitioners access to religious sites would probably be viewed as a permissible accommodation of religions and religious practices, see Hobbie v. Unemployment Appeals Commission of Florida, 480 U.S. 136 (1987), prohibiting the general public from certain areas might be held to be beyond the scope of permissible accommodation. See Badoni v. Higginson, 638 F.2d 172, 179 (10th Cir. 1980) ("Issuance of regulations to exclude tourists completely from the [Rainbow Bridge National] Monument for the avowed purpose of aiding [American Indians'] conduct of religious ceremonies would seem a clear violation of the Establishment Clause."), cert. denied, 452 U.S. 954 (1981). In order to avoid a constitutional challenge, however, we recommend that the section be changed to read:

> In implementing this section, the Secretary, upon request of an Indian tribe or Indian religious community, may from time to time temporarily close to general public use one or more specific portions of park, monument, or wilderness areas in order to protect the privacy of traditional cultural uses in such portions by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes.

We are particularly concerned about potential conflicts between the duties of the Immigration and Naturalization Service (INS) and the designation of certain lands in the California Desert as wilderness. In order to perform the Border Patrol's (part of the INS) congressionally mandated duties and complete its mission in a responsible manner, the Border Patrol needs unlimited access to lands protected by the California Desert Protection Act of 1993. A wilderness designation allows no motorized vehicles, only foot traffic or horseback. This would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. In light of the short response time mandated by the close proximity of a major highway to one of the areas used by smugglers to pick up their loads (both aliens and narcotics), our officers need to use motorized vehicles for operations in these areas. There is also a safety factor involved for our officers and for persons caught in this desolate terrain without proper food or water, who must be rescued.

Two areas of particular concern are the southern portion of the Fish Creek Mountains and the Jacumba Wilderness. The southern part of the Fish Creek Mountains area has been the scene of a number of rescue operations. The Jacumba Wilderness is vital in that it encompasses several corridors used by smugglers of both illegal aliens and narcotics. Drugs and people are smuggled through these corridors to an interstate highway that is, in some locations, only a mile from the Mexican border. The ability to respond quickly to events is absolutely necessary there. The Border Patrol cannot accomplish its mission without motorized access to these areas.

To alleviate potential conflicts between Wilderness requirements and law enforcement, we recommend that the following language be added as a new section in H.R. 518:

> Nothing in this Act, including the designation as a wilderness, shall (1) preclude or otherwise affect continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or (2) preclude the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Customs Service border operations within such wilderness, consistent with management of the wilderness for the purpose for which such wilderness was established, and in accordance with the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq..

Until such agreements are reached, we understand that law enforcement border activities will continue in accordance with current practice.

We look forward to continuing to work with you on this legislation. Please do not hesitate to call on us if we may provide further assistance.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Sheila Anthony

Sheila F. Anthony
Assistant Attorney General

U. S. BORDER PATROL
Immigration & Naturalization Service
1111 North Imperial Avenue
El Centro, California 92243
Office of the Chief Patrol Agent

June 15, 1993 ELC 92/3-C

The Honorable Bruce Vento
Chairman, Subcommittee on
National Parks, Forests and
Public Lands
Washington, D.C. 20515

Dear Congressman Vento:

I would like to take this opportunity to provide you with information which sets forth the El Centro Sector's concerns regarding Senate Bill S.21, especially in the areas of general law enforcement, drug interdiction, and search and rescue.

In the way of a little background, the El Centro Sector of the United States Border Patrol has responsibility for approximately 72 miles of international border between the United States and Mexico, the southern boundary of Imperial County. We have stations in Calexico, El Centro, Indio and Riverside, California and our area of responsibility extends into most of Riverside and some of San Bernardino Counties as well.

In Fiscal Year 1991, we arrested 30,450 deportable aliens and seized a little over 11 million dollars in narcotics (wholesale value). In Fiscal Year 1992, we arrested 29,852 deportable aliens and seized 164.4 million dollars in narcotics. As of May 1993, we have arrested 15,932 deportable aliens and seized an all time record of 519.6 million dollars in narcotics. Again, I stress this is a wholesale value. I can't begin to imagine how many youngsters on the street this amount of drugs would supply. You may have noticed the decrease in arrests between Fiscal Year 1991 and Fiscal Year 1992, this was not because there was a lesser number of people entering the country illegally, but because we had fewer officers with which to do our job, which brings us to the potentially disastrous situation with S. 21.

We are concerned about all the proposed areas in Imperial County, however, we are especially concerned about the proposed Jacumba

Wilderness area and the Fish Creek area. As you know, a wilderness designation means no motorized vehicles, only foot traffic or horseback. This would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. This, along with a short response time mandated by the close proximity of Highway 98 and Interstate 8 to the proposed Jacumba Wilderness area; which is utilized by smugglers to pick up their loads both aliens and narcotics, demands that our officers be allowed to utilize motorized vehicles for operations in these areas. Within the proposed Jacumba Wilderness area is an area know as Davies Valley. There is a road through this area which runs from the Mexicali/Tijuana Highway in Mexico, all the way to Highway 98 near Ocotillo, California. This Highway has been a major thoroughfare for smugglers for years and speaking from experience I can safely state that closing this area will not stop a smuggler from utilizing what would be left of the road to make good his entry into the United States. They will simply ignore the fact that motorized vehicles are not allowed. There are also five (5) other well documented smuggling corridors through the proposed Jacumba area. On one of these corridors, an existing road on the east edge of the Jacumba area, we seized 1277 pounds of cocaine valued at $41,000,000.00 during January of this year. A few months prior to that, we seized 427 pounds of marijuana worth $600,000.00. This seizure was made near Interstate 8, right square in the middle of the proposed Jacumba area. Thus far, in 1993, we have accounted for 197 entries made by people on foot and 19 vehicle entries in our west desert which includes the proposed Jacumba and Fish Creek areas. In 1992, there were 776 human entries and 18 vehicles entering through this same area.

We are in the Jacumba and Fish Creek areas almost daily with either 4 x 4 vehicles or aircraft. The purpose being to detect the illegal entry of aliens and drug smugglers. We do this by looking for tracks of both people and vehicles and by utilizing electronic detection devices which have to be checked and serviced on a regular basis. You can see that if we could not utilize low flying aircraft or had to walk into these areas or even utilize horses, the cost in manpower and response time would be increased to the point that we would probably just have to ignore the activity in these areas and hope that we could make the apprehension after the smuggler reached the highway. This, in turn, puts our operations in a different legal arena, subjecting our arrests to different court decisions and in general making a successful prosecution more difficult. In simple terms the creation of the Jacumba Wilderness area will only create a no-mans land between the Mexican border and Interstate 8 and Highway 98 where an illegal alien or smuggler will be free to roam at will or hide on United States soil until conditions are right for them to safely make their way further into the United States.

There is also a safety factor involved for our officers as well as numerous rescue operations of people caught in this desolate terrain

without proper food and water, as is often the case. We did not keep statistics on the number of deaths occurring in the desert prior to 1985. At that time with the cooperation of the Mexican officials we attempted to educate the potential entrant(s) as to the dangers of attempting to cross into the United States through the deserts. We also altered our operations to ensure timely responses to any indicated traffic through the desert. The proposed Jacumba and Fish Creek wilderness areas have proven to be the most popular for use by aliens entering and attempting to walk around our Highway 86 traffic check operation. Since 1985 there have been 31 deaths in these desert areas. Our officers have rescued 81 people that would have died had our officers not rescued them when they did. These people were already dehydrated and in bad shape. During this same time frame, we made about 900 other apprehensions, all of which had the same potential for disaster. I might add that a number of these rescues were made by our pilots who located the people and were able to land and administer first aid until a mobil unit arrived.

We understand that someone has proposed to change the language of the bill to give us access to a 60 or 100 foot strip along the border. I, think, you can see from earlier discussions in this letter how in reality this would be of only very limited benefit. For a sucessful interdiction program we must have total and unlimited access to these areas. We have gone on record stating that we will assist any law enforcement agency in enforcing whatever restrictions are finally arrived at for these areas. We feel that our presence will enhance and help to ensure the safety of the public that will be utilizing these areas. We must have motorized access to these areas to perform our duties and ensure the integrity of our borders.

I hope this information will be of help to you. If we can provide anything more we will be pleased to do so.

Sincerely,

Manuel Cazares, Jr.
Deputy Chief Patrol Agent

STATE OF CALIFORNIA—THE RESOURCES AGENCY
PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090

June 11, 1993

The Honorable Rick Lehman
U. S. House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515-0519

Dear Congressman Lehman:

The California Department of Fish and Game is vitally interested in the protection of the southern California desert. For many years, our staff has worked with the public, land owners, and other State and Federal agencies to manage and protect the fish, wildlife, and native plants that live there, while increasing our scientific knowledge of the living desert.

I believe that your bill H.R. 518 offers a means to further safeguard the California desert, but I am concerned that neither our Department's important efforts at scientific research and managing wildlife be foreclosed nor the hunting public be shut out of this region we have historically used. This is particularly critical in the East Mojave and expansions of Death Valley.

Maintaining healthy wildlife populations in this desert environment requires active, not passive, management, and hunting is integral to that management. Protection for the desert should more adequately provide for compatible recreation and the management of wildlife. For these reasons we urge that the Bureau of Land Management (BLM) retain jurisdiction over the East Mojave and the Hunter Mountain/Last Chance Range expansions of Death Valley, or at a minimum you consider "National Preserve" status for these areas.

We have to gain access into the desert to benefit its habitat. Some natural springs have been damaged by concentrations of wild burros and invaded by salt cedar, a nonnative plant that consumes considerable water. Our Department has cooperated with the BLM and private organizations, such as off-highway vehicle clubs, environmental groups, private landowners, and hunting clubs, to restore and improve these springs and to build numerous rain catchment basins, or "guzzlers." These water sources are vital to all wildlife in the desert, to the game species that are hunted--deer, bighorn sheep, quail, and chukar partridge, for example--and to those that are not, such as neotropical birds, reptiles, and raptors. There are

now 771 such water sites for wildlife in San Bernardino County, and their periodic repair requires heavy cement bags and equipment that cannot be carried in on foot. Much of this effort has come from volunteers and private donations that from 1969 to 1992 totaled more than 22,000 days of labor and materials worth nearly $1.5 million.

Because of our active management in the desert, the bighorn sheep has come back from its low levels of the early 1900s to the viable population that Californians enjoy today. For the past twenty years, we have worked with the BLM, the military, and many private conservation and hunting organizations to build catchment basins to replace degraded springs and to capture bighorn sheep to reestablish populations in historical habitats from which they had long been gone.

The bighorn sheep population in the Old Dad Mountains of the East Mojave is our source stock for reestablishing sheep populations elsewhere in their historic range. From this productive herd we have captured and relocated more than 200 bighorn sheep safely, efficiently, and with minimum disturbance to the desert, because we have been able to use vehicles and helicopters. I am concerned that National Park wilderness status for the East Mojave could severely curtail what has been a real success story in bighorn sheep management.

I am also deeply concerned with preserving hunting in the East Mojave and elsewhere. Hunters in California may appear to have huge territories in which to hunt, but the reality of population growth and recreation demands in this State makes it increasingly more difficult for the hunting public to enjoy a day in the field. In the East Mojave and the Death Valley expansions into Hunter Mountain and Last Chance Range, where the imprint of hunters has been hardly noticeable and their contributions to wildlife considerable, hunters could be sealed off from a vast region in which hunting is compatible with desert preservation. That spirit of conservation must not be dampened by closing off these areas to hunting.

For decades this rugged country has provided the public with some fine upland game hunting--particularly quail, chukar, dove, and rabbit--as well as deer and, in recent years, bighorn sheep. The hunters, in turn, give a boost to local restaurants, motels, and gas stations. In the East Mojave, for example, upland game hunters have spent more than 110,000 recreations days annually. Because our management has helped bring back bighorn sheep, we have been able to offer some limited sheep hunting, the permits for which have produced more than $500,000--all used to expand populations of bighorn sheep.

I want to assure you that the Department and the California Fish and Game Commission closely regulate hunting. Through hunting seasons, bag limits, big game permits, and the vigorous enforcement of all hunting laws and regulations, we help insure conservation of both wildlife and the privileges of the hunting public.

Certainly the more difficult hurdle both for hunting and our Department's ability to continue scientific study and manage wildlife there is the placing of the East Mojave and the Hunter Mountain/Last Chance Range expansion of Death Valley under the jurisdiction of the National Park Service (NPS) rather than the Bureau of Land Management. Through tradition and law, the NPS has excluded hunting in the National Parks and not looked favorably upon active State wildlife management of lands under its jurisdiction.

It is my understanding that Congress has made exceptions to this, however, in the NPS category of "National Preserves." While we would prefer that jurisdiction of the East Mojave Wilderness and of the Hunter Mountain/Last Chance Range expansions of Death Valley remain in the BLM, I would urge that you consider "National Preserve" status as a possible alternative, with explicit language that preserves hunting and our continued access for carrying out our responsibilities for scientific research and wildlife management. In all BLM wilderness areas, we need similar language to guarantee our access to conduct research and manage wildlife.

I do want to reassure you that this Department is dedicated to protection of the desert ecosystem. Continued hunting in, and this Department's access to, this region is in harmony with that important goal.

I will be pleased to work further with you and your staff to ensure the best ways to further wildlife conservation through this landmark legislation.

Sincerely,

Boyd Gibbons
Director

BG:vp

cc: The Honorable George Miller
House of Representatives

The Honorable Bruce Vento
House of Representatives

The Honorable Don Young
House of Representatives

The Honorable Rick Lehman
June 11, 1993

bcc: Ms. Mary McDonald
Governor's Washington, D.C. Office

The Honorable Joseph D. Rodota
Cabinet Secretary, Governor's Office

The Honorable Douglas P. Wheeler
Secrtary for Resources

Mr. Banky Curtis
Deputy Director

Mr. Terry Mansfield
Chief, WMD

Mr. Fred Worthley
Regional Manager, Region 5

SIERRA CLUB ♦ THE FUND FOR ANIMALS
NATIONAL PARKS AND CONSERVATION ASSOCIATION
THE WILDERNESS SOCIETY

June 29, 1993

Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks,
Forests and Public Lands
812 O'Neil House Office Building
Washington, D.C. 20515

Dear Chairman Vento:

Thank you for holding an excellent hearing on June 15, 1993 on H.R. 518, the California Desert Protection Act, and for your strong support of this important legislation.

Enclosed is a copy of a letter to Representative Lehman responding to a letter from Mr. Boyd Gibbons, Director, California Department of Fish and Game, concerning the effect of H.R. 518 on wildlife management in the California Desert. We felt it was essential to respond directly to the misleading and inaccurate statements contained in Mr. Gibbons' letter, and we respectfully request that the enclosed letter be made part of the official hearing record on H.R. 518.

In addition, we are writing to request the opportunity to meet with you at your earliest convenience to discuss the outlook for H.R. 518, and in particular, the amendment that may be proposed by Representative LaRocco.

Thank you for accommodating this submission to the record and for considering our request for a meeting.

Sincerely,

WJ Chandler

William J. Chandler
Director of Conservation
National Parks and Conservation Assn.

Wayne Pacelle

Wayne Pacelle
National Director
The Fund for Animals

Debbie Sease
Legislative Director
Sierra Club

Brien F. Culhane
Director, National Parks Program
The Wilderness Society

SIERRA CLUB ♦ THE FUND FOR ANIMALS
NATIONAL PARKS AND CONSERVATION ASSOCIATION
THE WILDERNESS SOCIETY

June 29, 1993

Honorable Rick Lehman
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Lehman:

Thank you for your continued leadership on the California Desert Protection Act. Following the successful hearing on H.R. 518 on June 15, 1993, we are enthusiastic about prompt action by the 103rd Congress to approve this important national interest legislation.

We write at this time to submit additional views regarding wildlife management in the area proposed as Mojave National Monument. By copy of this letter to Chairman Vento, we are requesting that this letter be made part of the official hearing record on H.R. 518.

In particular, we would like to address several issues raised in the June 11, 1993 letter to you from Mr. Boyd Gibbons, Director of the California Department of Fish and Game (CDFG). The premise of Mr. Gibbons' letter is that designation of the proposed Mojave National Monument and the elimination of hunting in that area will unduly interfere with the Department of Fish and Game's "responsibilities for scientific research and wildlife management" in the California Desert. This assertion is false on all counts.

Hunting Opportunity in the California Desert

Testimony presented to the subcommittee has described the hunting activity in the East Mojave region as extremely limited. Mr. Gibbons cites a figure of 110,000 hunter days annually for the East Mojave area. This is a 1989 CDFG figure for all of San Bernadino County, of which the East Mojave comprises just 12 percent. Furthermore, we consider this figure to be vastly overstated due to inaccurate and deeply flawed counting methods. The Fund for Animals addressed this subject in detail in testimony on June 15, 1993.

Designation of Mojave National Monument will not end bighorn sheep hunting in the California Desert, as Mr. Gibbons implies. Of the three bighorn sheep hunting areas in the California Desert, one is completely outside the proposed Mojave National Monument, and another is only partially within the proposed park boundary. In 1992, five of the eleven bighorn taken by hunters were killed outside the area proposed for the park.

Protection of the bighorn sheep herds in the Old Dad Mountains, Last Chance Range, and Hunter Mountain area will provide a permanent source of animals that can be hunted outside National Park Service-administered areas or used to replenish herds elsewhere.

Wildlife Management

The written statement and oral testimony of the National Parks and Conservation Association at the June 15, 1993 hearing offered evidence that national monument status for the East Mojave will not limit active management to benefit desert wildlife.

Active vs. Passive Management
It is amply clear from the current literature on park stewardship and biological conservation, numerous examples of management actions from around the National Park System, and the National Park Service's own statements of goals (such as the 1991 Vail Agenda) that the NPS has already entered an era of active management of park resources and must be even more active managers in the future. We disagree with the premise that "active resource management" requires permitting hunting in national parks and national monuments, but we support many appropriate active measures that the NPS now takes to protect and nurture park wildlife.

Water for Wildlife
Mr. Gibbons references "771 such water sites for wildlife in San Bernadino County" and that their periodic maintenance requires motorized access. Mr. Gibbons does not provide details as to how many of these sites are within areas proposed for national park status.

Existing NPS policies permit the development and maintenance of water "guzzlers" for wildlife within parks and wilderness areas. For example, five such wildlife water facilities have been placed and maintained within Joshua Tree National Monument.

Mr. Gibbons also notes that "some natural springs have been damaged by concentrations of wild burros and invaded by salt cedar," and suggests that NPS management may not be suitable for addressing such situations. NPS policies for controlling exotic plants and animals actually provide greater management authority and flexibility to address these cases. Not only does the NPS aggressively eliminate tamarisk (salt cedar) in many parks, the agency has the ability to control feral burros, since the NPS is exempt from the Wild Horses and Burros Act.

Even so, we would also point out that there has been no scientific study that proves that watering devices actually benefit herd size or health in the California Desert. There have been two documented cases where guzzlers in the California Desert have resulted in the deaths of bighorn

sheep that fell in and drowned. Bird guzzlers actually function more like death traps since they artificially concentrate wildlife in areas that lack adequate protective cover. We also reiterate our belief that more enlightened grazing management practices in the California Desert has significant potential to benefit wildlife.

Bighorn Sheep Translocation

NPS policies also clearly permit capture of animals for research purposes and translocation of animals (such as bighorn sheep) to repopulate other areas. Both the NPS Management Policies [NPS Management Policies, Chapter 4:6] and the NPS "Natural Resources Management Guideline" [Natural Resources Management Guideline, NPS-77, Chapter 2, pp. 36-37] include detailed guidelines on this subject.

Removing surplus bighorn sheep from large, protected herds for reintroduction elsewhere is far more valuable to hunters than the half-dozen hunting tags currently issued for bighorns in the proposed Mojave National Monument area. Over the past decade, NPS-managed Lake Mead National Recreation Area (NV/AZ) has provided over 600 bighorn sheep for transplantation programs in Nevada, Utah, New Mexico, Colorado, Texas, and Arizona. The NPS is the biggest source of bighorn sheep for reintroduction programs.

Even with park and wilderness designation, the NPS can continue these programs as it sees fit. Thus, there is no reason to conclude that park status for the East Mojave "could severely curtail what has been a real success story in bighorn sheep management," as Mr. Gibbons suggests. In fact, this success story should continue to progress and improve.

Scientific Research

While Mr. Gibbons questions his "Department's ability to continue scientific study . . . under the National Park Service," the fact is that National Park System status for the East Mojave will afford a great opportunity to enhance scientific study of the desert. In fact, some 1,600 scientists and academicians nationwide have endorsed the California Desert Protection Act, including 136 scientists at UCLA and UC/Berkeley alone.

Mr. Gibbons repeatedly claims that "scientific research" values may be affected by H.R. 518, but specifies none. Inventory and monitoring of herd sizes used solely to set hunting seasons and harvest limits are not necessarily meaningful "research" designed to understand, or maintain the health of ecosystems. National Park System status for the East Mojave will actually create unequalled opportunities to study desert ecology and desert wildlife free from many impacts, including that of hunting.

Hunting-Related Revenue

Hunting Licenses and Tags

Mr. Gibbons submits that more than $500,000 for bighorn sheep recovery and management has been raised from the auction of bighorn sheep hunting permits, implying that this revenue will be lost to the state if Mojave National Monument is designated.

As noted above, designation of Mojave National Monument will not end bighorn sheep hunting in the California Desert; hunters have taken a significant portion of the total annual kill outside of the area proposed for the monument.

Income to the state from application fees for bighorn sheep tags totaled $19,939.50 in 1992. No significant changes in this revenue would be expected due to closure of the East Mojave to hunting. Actual numbers of applications have ranged from a low of 2,591 in 1990 to a high of 4,066 in 1987 with no apparent correlation with the actual number of bighorn tags available.

The issuance of fund-raising tags would not be affected and, in fact, could mean higher prices at auction for the highly-coveted "first kill" tags. Furthermore, the California state legislature has actually authorized the issuance of up to three fund-raising tags. Any revenue loss to the state due to elimination of hunting in Mojave National Monument would be insubstantial, and certainly recoverable by issuing another fund-raising tag.

Tourism and Volunteers

Mr. Gibbons notes that "hunters . . . give a boost to local restaurants, motels, and gas stations." Tourism-related revenues due to national park designation, however, will far outstrip hunting-related contributions to the local economy. According to National Park Service estimates, Death Valley and Joshua Tree national monuments each currently contribute approximately $60 million annually to the local economy. We anticipate that designation of Mojave National Monument would have similar, if not greater, positive economic impacts.

Mr. Gibbons also notes the contributions of volunteers toward developing and maintaining water sources for desert wildlife. We see no reason for this strong public support for wildlife not to continue when such areas are designated as national parks or BLM wilderness. National parks are dearly beloved by the American public. From June 1992 to July 1993, the National Park Service benefitted from approximately 3 million hours of volunteer service worth approximately $32 million.

In summary, we believe that the California Desert Protection Act provides an appropriate balance between park preservation and maintenance of hunting opportunities. The preponderance of evidence (including public opinion polls in California) indicates that hunting is an inappropriate activity for the Mojave under any circumstances of National Park Service administration.

We oppose "national preserve" status for the East Mojave. This area clearly qualifies for the highest level of protection afforded other national parks, as was emphasized by Interior Secretary Babbitt in his testimony on H.R. 518 on June 15, 1993. National preserve designation opens the door to lower protection standards. Furthermore, should Congress fail to designate a national park or national monument in the East Mojave, an area of extremely limited hunting, we fear that it would signal the end of establishing any new national park free from this activity.

Thank you for considering our views.

Sincerely,

William J. Chandler
Director of Conservation
National Parks and Conservation Assn.

Wayne Pacelle
National Director
The Fund for Animals

Debbie Sease
Legislative Director
Sierra Club

Brien F. Culhane
Director, National Parks Program
The Wilderness Society

cc: Honorable George Miller
Honorable Bruce F. Vento

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

National Affairs Office
1000 Connecticut Avenue, N.W.
Suite 1202
Washington, D.C. 20036
202/466-4407 FAX 202/466-8727

July 22, 1993

The Honorable Bruce F. Vento
U.S. House of Representatives
2304 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Vento:

On Monday, July 19, 1993, a coalition of environmental organizations placed an advertisement in *The Washington Post* regarding S. 21, the California Desert Protection Act. The article ignored and distorted several key points in this debate that we want to call to your attention.

First, the National Rifle Association is not the only group supporting this important change to S. 21/H.R. 518. As the signatures below attest, the NRA is one of several members of a coalition of sportsmen and women's organizations that are committed to preventing the closure of public lands that are now open to hunting. The five Congressmen representing the affected areas, who have been ignored during the debate on this bill, also oppose this legislation.

There is no opposition to transferring management of these lands from the Bureau of Land Management to the National Park Service from any of the members of this coalition. In fact, the only point of contention is whether or not hunting will be allowed to *continue* on 1.5 million acres of land in the East Mojave Desert. According to the California Department of Fish and Game, "maintaining healthy wildlife populations in this desert environment requires active, not passive, management, and hunting is integral to that management." Last year hunters spent more than 110,000 recreation days in the East Mojave region. To allow this important management and recreational activity to continue, we urge the acceptance of the only "compromise" offered in the debate about this issue.

Despite the claims of the ad, hunting is currently conducted on 44 units of Park Service lands, including the Grand Teton National Park. But to avoid any semblence of expanding hunting in National Parks, the coalition language specifically uses the "preserve" designation created by Congress in the 1970s to allow hunting on Park Service lands. By accepting the proposed changes, the East Mojave would fall into the same category as Big Cypress National Preserve in Florida and Big Thicket National Preserve in Texas. Such a designation would provide National Park Service management, as sought by the proponents of the bill, while affording sportsmen and women the ability to continue hunting. The compromise language would also stipulate that administration of wildlife managment programs within the preserve would continue under the California Department of Fish and Game.

This coalition does not wish to expand hunting into any areas where it is not currently allowed. The language we have offered, which is attached for your review, is the only true "compromise" in this debate, providing both sides with their stated objectives. Copies of the letter outlining the position of the California Department of Fish and Game in support of "preserve" designation, as well as the National Park Service document detailing those units of the National Park System where hunting is allowed are enclosed for your review. We hope that you will consider this evidence and support the adoption of the LaRocco amendment when presented before the House Natural Resources Committee.

Sincerely,

Richard K. Storey
Executive Director
Wildlife Legislative Fund
of America

Dallas Miner, President
Congressional Sportsmen's
Caucus Foundation

Susan Lamson, Director
Federal Affairs
National Rifle Association

Michael E. Berger
Executive Director
United Conservation
Alliance

Craig Johnson, President
Foundation for North
American Wild Sheep

R. Douglas Yajko
President
Safari Club International

THE DESERT PROTECTIVE COUNCIL INC.

A NON-PROFIT ORGANIZATION

To safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual and recreational value and to educate by all appropriate means children and adults to a better understanding of the desert.

Elden Hughes
14045 Honeysuckle Lane
Whittier, CA 90604

310 941-5306

June 21, 1993

Congressman Bruce Vento
Chairman, Subcommittee
National Parks, Forests, and Public Lands
Washington, DC 20515

Dear Congressman Vento:

RE: Hearing, June 15, 1993, California Desert Protection Act

In the oral testimony two numbers were given for the number of visitors to the "Glamis" or Algodones Dunes. Kurt Hathaway of the American Motorcycle Association stated the number of visitors to Glamis was 2.8 million. Congressman Randy Cunningham stated the number of visitors was 4.6 million.

The official BLM visitor count for the entire Imperial Dunes Management Area which includes Mammoth Wash, Glamis, North and South Algodones WSA's, Patton Valley, Dunebuggy flats, and Buttercup is 284,690. Enclosed is the BLM "Annual Visitor Use in Reccreation Management Areas Detail Listing" for FY92 report. Note that the 284,690 count includes 93,741 visitors who were not there for ORV travel.

I would appreciate your including this letter in the hearing record.

Sincerely,

Elden Hughes
Director

Attachment 3

Bureau of Land Management

ANNUAL VISITOR USE IN RECREATION MANAGEMENT AREAS

DETAIL LISTING

For FY 92

CA06 District

	COUNT	ORV TRAVEL	OTHER MOTORIZED	NON MOTORIZED	CAMPING	HUNTING	SITE BASED	FISHING	OTHER WATER BOATING	OTHER WATER BASED	WINTER SPORTS	SNOWMOBILING	TOTALS
CA06701	NUM OF PARTICIPANTS:	132247	26957	7984	220638	5827	184009	17126	0	0	0	0	606808
	TOTAL VISITOR HOURS:	132248	539261	200448	184468	266113	1084516	102814	0	0	0	0	2440267
Imperial Dunes Rec. Mgt Area → CA06702	NUM OF PARTICIPANTS:	190965	8436	1462	33611	428	40461	9425	0	0	0	0	284690
	TOTAL VISITOR HOURS:	7848493	360300	42300	1372288	10261	1664311	86549	0	0	0	0	11594522
CA06703	NUM OF PARTICIPANTS:	694	450	900	2975	3195	3444	0	0	0	0	0	10905
	TOTAL VISITOR HOURS:	19460	2676	6972	121339	105384	41633	0	0	0	0	0	297664
CA06704	NUM OF PARTICIPANTS:	70448	44532	6173	11495	428	42056	0	0	0	0	0	174361
	TOTAL VISITOR HOURS:	763007	89031	18631	421030	20542	294182	0	0	0	0	0	1603444
CA06705	NUM OF PARTICIPANTS:	936	0	0	1695	0	442	214	0	0	0	0	3048
	TOTAL VISITOR HOURS:	31430	0	0	4126383	0	1926	10710	0	0	0	0	4162641

SUBTOTALS for CA067 Resource Area TOTAL VISITS: 1135695

RMA COUNT: 5

NUMBER OF PARTICIPANTS:	395096	80373	15519	270474	8698	282677	26775	0	0	0	0	1079802
TOTAL VISITOR HOURS:	8624948	971046	285748	6197508	402343	3286770	170075	0	0	0	0	20138438
RMR COUNTS:	5	4	4	5	4	5	2	0	0	0	0	

June 20, 1993

The Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks, Forests and Public Lands
United States House of Representatives
2304 Rayburn House Office Building
Washington D.C. 20515

Dear Mr. Chairman,

Thank you for the opportunity to speak before the Subcommittee. Enclosed is pertinent information related to my testimony prefaced by this letter of explanation of a small portion of my testimony.

It has come to my attention that at the Hearing on HR 518 held in Washington D.C. on June 15, there was some question regarding the 2.8 million visitor use figure for the South Algodones Dunes.

According to the BLM California Desert District Office there are two figures available on visitor use in the South Algodones Dunes.

A figure of 284,000 for CA-0-67-02 (California/Desert/El Centro/Mexican border north through the North Algodones Dunes area) has been released through the Recreation Management System, a Bureau wide recreation data base system. This figure is based on <u>random</u> aerial and on-site visitor counts. This figure was adjusted in 1992.

A second figure of 810,000 vehicles with a standard BLM average of 3.5 passengers per vehicle has been released by the BLM El Centro Resource Area. This figure is based on four counters at the most used access routes in the South Algodones Dunes Area only(off of major through routes). The counters were set for incoming traffic only and calibrated to count any vehicle as one, regardless of the number of axles or weight. This results in that a motorhome towing a trailer is counted the same as a jeep or a passenger car.

Maximum extrapolation from the above figure of 810,000 vehicles with an average of 3.5 passengers would equal 2,835,000 visitors to the dune areas. However, these figures are recognized as raw data in that they do not account for the percentage of vehicles that exit and then re-enter or accidentally trigger the counter upon exiting. Nor does the count include those visitors entering the dune

system from a large number of other legal access points. It is equally important to consider that one of the counters was broken for six weeks.

For the sake of argument we will use a conservative figure of 2 million visitors. The lands administered by the BLM-California consist of 18,708,004 acres rounded to 18 million. In 1992 these lands received 26 million recreational visitors(BLM Newsbeat, February-March 1993 Edition).It is conservative to say that using the BLM's own numbers that 7.7% of the use of BLM public lands in all of California may occur at the South Algodones Dunes complex. These 132,400 acres(rounded off to 135,000) comprise 0.075% of BLM public lands in all of California. The ten percent estimate of use in WSA 362 equates to 200,000 visitors. using these conservative figures that is 0.75% of all the visitors to California's BLM public lands. The changes proposed under HR 518 and S21 to this dune complex obviously can not occur without major socio-economic impacts and possible cumulative impacts to other public lands.

The South Algodones Dunes WSA 362 has traditionally acted as a dispersement area for the OHV recreationists who desire the same opportunities for solitude as Wilderness hikers. It is akin to going cross country skiing rather than alpine skiing to the OHV visitors of this area.

Alternatives have been suggested to Senator Feinstein that address the resource, management and recreational concerns that continue to plague the proposed designation of the South Algodones Dunes Wilderness.

The American Motorcyclist Association, California Association of Fourwheel Drive Clubs and the California Off-Road Vehicle Association urge that the Subcommittee, as we have implored Senator Feinstein and the Senate Subcommittee on Public lands, National Parks and Forests to please consider the alternatives before forcing upon Imperial County an unnecessary displacement and reduction of OHV recreationists and the monies that they bring in to the economy.

Sincerely,

Kurt Hathaway

Kurt Hathaway

c. Congressman James V. Hansen

THE CALIFORNIA DESERT PLAN IS A WORKING ONGOING PROCESS

Many arguments have been put forth that the valuable resources of the California Desert are not being protected by the Desert Plan process. This is just not the case, and we would like to put forth two examples.

MANAGEMENT PLAN FOR AFTON CANYON NATURAL AREA AND THE SURROUNDING AREA

The Afton Canyon planning area is located approximately 37 miles east of Barstow in central San Bernardino County, California. The planning area boundary encompasses approximately 41,500 acres, of which about 23,600 acres (57%) are public lands administered by the BLM. The planning area includes the Afton Canyon Natural Area, an area of Critical Environmental Concern (ACEC), and those public lands which have an influence on the ACEC.

This planning process went through the NEPA process and was tiered off of the California Desert Plan. All interested parties had a say and provided input and ideas as to how to provide recreation and protect resources at the same time.

Enclosed are maps that depict the motorized access routes that exist today and those that existed in 1988 prior to this planning process. 75 miles of legal routes exist today and it is estimated by the BLM that this is a 60-75% reduction from the routes shown on the enclosed map entitled "Existing Vehicle Routes (1988)".

The Management Plan that evolved was not well received by the motorized access groups but at least they were included in the process and had the options afforded with in the framework of environmental law. A prime proponent of HR 518 and S-21, **The Wilderness Society, in their work entitled "Failure in the Desert" stated, concerning the Afton Canyon Management Plan, "If no weakening changes are made in the final version of this plan it will go a long way toward preventing further unnecessary damage to the tremendous resources of Afton Canyon"**

RAND MOUNTAINS-FREMONT VALLEY MANAGEMENT PLAN

The Rand Mountains/Fremont Valley Management Area is located in the southern portion of the Ridgecrest Resource Area of the BLM California Desert District. The area consists of approximately 65,020 acres included in the Rand Mountains, Fremont Valley, and Koehn Dry Lake.

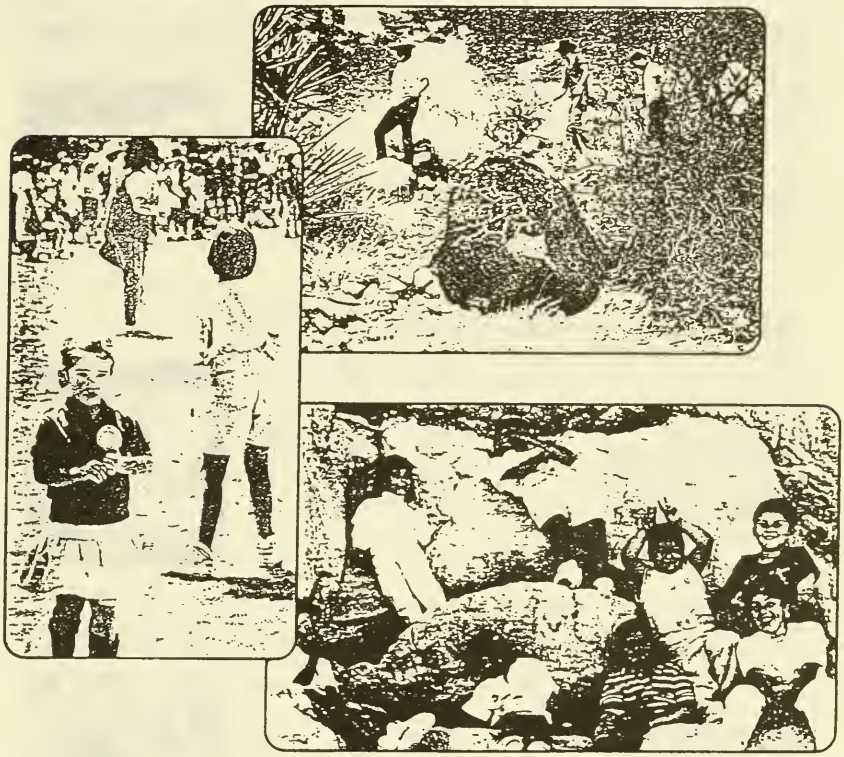
This planning process went through the NEPA process and was tiered off of the California Desert Plan. The driving force behind this management plan was that at the time there was little data on what was causing declines in desert tortoise population numbers. The OHV recreation community voluntarily entered into this process as a means to provide a short term solution until data could be collected to allow long term solutions. All interested parties had a say and provided input and ideas as to how to provide recreation and protect resources at the same time.

The legal OHV and access routes in the area were reduced by over 80% as a part of this process. OHV volunteers are active in educating and signing in the area to this day.

These two examples show how the Desert Plan responds to the challenges that occur in the management of public lands in a way that promotes participation of all use groups and vests those groups in the successful management of those lands.

PUBLIC LANDS IN CALIFORNIA

LOOKING BACK,



MOVING FORWARD

February [illegible] 1993

Newsbeat Special Edition

RECREATION

	1990	1991	1992
Recreation Visits (millions)	26.5	25.6	26
Special Recreation Permits Issued	1,125	1,533	1,751
Receipts from Permits	$225,569	$351,931	$368,049

RIGHTS OF WAY

	1990	1991	1992
Grants Issued	181	139	167
Applications Processed	467	192	206

SOIL, AIR, & WATER RESOURCES

	1990	1991	1992
Soil, Air & Water Inventory	-	1,000	63,000
Soil Surveys (acres)	72,000	24,000	16,000
Water Rights Documentation	123	245	51
Watershed Project Maintenance	0	0	21
Watershed Improvements	22	20	22
Watershed Monitoring Sites	122	149	137
Air Monitoring Stations	0	1	2

WILD HORSE & BURRO MANAGEMENT

	1990	1991	1992
Excess Animals Removed from Public Lands	306	318	452
Excess Animals Removed from Military/Forest Service Lands	334	567	342
Animals Adopted	422	616	766
Titles Issued	393	300	382

California Department of Fish and Game

Resources Building
1416 Ninth Street
Sacramento, CA 95814

REPORT OF THE 1991 GAME TAKE HUNTER SURVEY

Hunter game take questionnaires were mailed to 16,226 randomly selected hunting licensees in July* of 1992, six months later than usual. These individuals represented approximately 4.4 percent of the total number of licenses sold (371,878) in 1991. One follow-up mailing, as compared to two in previous years, was sent to nonrespondents four weeks after the initial mailing. There were 439 questionnaires returned undeliverable, which left a total of 15,787 possible respondents. A total of 8,888 persons returned the questionnaire, representing approximately 2.4 percent of all hunting license buyers, and a response rate of only 54.8 percent, down 20.6 percent from 1990. It was determined through the analysis of the survey that there was a hunting effort of approximately 371,878 hunting licensees who spent 4,951,716 days in the field.

For the past several years, follow-up mailings to nonrespondents have significantly increased response to the questionnaires. This year only one follow-up mailing was sent out, due to fiscal and personnel constraints, which resulted in a decrease of 20.6 percent in returns as compared to 1990. The increase of follow-up mailings reduces nonresponse bias, the phenomenon of more successful individuals (e.g., hunters) being more inclined to return a questionnaire than unsuccessful or nonparticipating individuals. Nonresponse bias is one of the principle causes of inflated bag and hunter-use figures in surveys of this type. However, statistical analysis of survey data indicated high validity for species pursued by large numbers of hunters.

Hunters from License Sales	1990	1991	Percent Change From 1990
Hunting Licenses**	376,935	371,878	-1
Deer Hunters (applications)	249,129	174,426	-30
Deer Tags	267,668	253,308	-5
Bear Tags	8,615	11,468	+25
Federal Duck Stamps	59,784	68,837	+13
State Duck Stamps	66,994	68,380	+2

* Questionnaires usually sent out in January of the year.
** Values tend to increase slightly over the following year.

HUNTING REGULATION CHANGES

Ducks (including Mergansers)
Colorado River Zone no longer exception for limits on redheads and canvasbacks.

Northeastern California
Border change.

American Coot and Common Moorhen
Concurrent with duck season, except that hunting may continue during the interim between segments of split duck seasons.

Colorado River
Split season from the Friday after the first Saturday in October extending for 10 days and from the third Monday in November extending for 49 days.

Southern San Joaquin Valley
All of Kings and Tulare counties and that portion of Kern County north of the southern California zone waterfowl season outlined.

Sacramento Valley
Area extended southerly along the Sacramento River to the town of Grimes on the Grimes-Arbuckle Road.

Section 507.1, Title 14, CCR
Steel shot required statewide for waterfowl, American Coot and Common Moorhen Hunting.

Pheasants
Bag and possession limits cover entire state. No county exceptions.

Quail
Del Norte, Humboldt, Lassen, Modoc, and Siskiyou counties added to balance of state season. Entire counties of Lassen and Modoc added to additional season for mountain quail.

Sage Grouse
Counties defined as areas. Central Lassen Area outlined. Number of permits changed: East Lassen Area - 325, Central Lassen Area - 100, North Mono Area - 450, South Mono and Inyo Area - 125. Outline for permit application redefined.

Blue/Ruffed Grouse
Possession limit increased to four in the aggregate of both species.

White-tailed Ptarmigan
Permit numbers and guidelines deleted.

Pronghorn Antelope
Ash Creek Junior Antelope Hunt defined. Permits changed to license tags: 665 Buck, 355 Doe. Authorization redefined. License tag distribution and conditions redefined.

Elk
Permits changed to License tags. Guidelines redefined.

Tule Elk
Permits changed to tags. Guidelines redefined.

Bighorn Sheep
Permits changed to license tags. Guidelines redefined.

Wild Pig
Eastern Tehama County added to balance of state.

Mountain Lion
Mountain Lion (genus Felis) removed from "Big Game" definition. Sport hunting of mountain lions prohibited.

Application/Distribution of Deer Tags
Redefined to include new areas and specific applicant qualifications.

Raccoon
Rifles added to method of take.

Trap Use
Unpadded leg-hold traps prohibited statewide. Leg-hold traps must be padded, contain anchor chains which are attached to center of trap and swivels at both ends. Shock absorbing device and a pan tension adjusting device must be included in padded traps. All padded traps must be maintained in good condition and trapped furbearing and nongame mammals must be killed or released immediately. Trapping area redefined.

Deer

Zone/Hunt#	Changes from 1990
A	65000 tags.
D-11	7000 tags.
D-16	4500 tags.
D-17	Area redefined. 500 tags.
S-1	Season change and special condition applied.
S-2	Special condition applied.
S-7	Special condition applied.
S-9	Deleted.
S-16	300 tags for muzzle-loading rifle. 100 tags for archery.
S-23	Area and season redefined.
S-25	Season redefined.
S-26	Area, season, limits, and special conditions defined. 90 tags.
S-27	Season redefined.
S-28	Area, season, limits, and special conditions defined. 20 tags.
S-29	Special condition removed.
S-30 - S-40	Areas, seasons, limits, and special conditions defined. Tag numbers listed.
X-3a	Number of tags = 1250.
X-5a	One season opening on the first Saturday in October and extending for 16 consecutive days. 275 tags.
X-5b	One season opening on the first Saturday in October and extending for 16 consecutive days. 500 tags.
X-5c	One season opening on the first Saturday in October and extending for 16 consecutive days. Special conditions removed. 750 tags.
X-6a	Area redefined. 1200 tags.
X-6b	Area, season, and limits defined. 2450 tags.
X-7a	1360 tags.
X-7b	580 tags.
X-8	900 tags.
X-9a	850 tags.
X-9b	Area redefined. 300 tags.
X-9c	Area, season, and limit defined. 850 tags.
X-10	Seasons and special conditions redefined.
X-11	Period 1 - 500 tags. Period 2 - 500 tags.
X-12	1050 tags.

TABLE 1
ESTIMATED BAG AND HUNTER EFFORT BY SPECIES
UPLAND GAME

	1990	1991	Percent Change
PHEASANTS			
Statewide Bag	242,136	255,024	+5
Hunters Reported	76,059	87,150	+13
Average Seasonal Bag	3.2	2.9	-9
Total Days Hunted	323,082	384,090	+16
Average Days Hunted	4.3	4.4	+2
QUAIL			
Statewide Bag	865,728	821,688	-5
Hunters Reported	100,683	87,024	-14
Average Seasonal Bag	8.2	9.4	+13
Total Days Hunted	577,962	507,108	-12
Average Days Hunted	5.7	5.8	+2
DOVES			
Statewide Bag	1,651,590	1,922,340	+14
Hunters Reported	111,807	124,782	+10
Average Seasonal Bag	14.8	15.4	+4
Total Days Hunted	427,437	517,482	+17
Average Days Hunted	3.8	4.2	+9
BAND-TAILED PIGEONS			
Statewide Bag	28,674	26,964	-6
Hunters Reported	10,152	8,442	-17
Average Seasonal Bag	2.8	3.2	+12
Total Days Hunted	26,595	23,100	-13
Average Days Hunted	2.6	2.7	+4
CHUKAR PARTRIDGE			
Statewide Bag	43,794	58,128	+25
Hunters Reported	12,312	9,618	-22
Average Seasonal Bag	3.6	6.0	+40
Total Days Hunted	43,443	35,574	-18
Average Days Hunted	3.5	3.7	+5

TABLE 1
(continued)

	1990	1991	Percent Change
SAGE GROUSE			
Statewide Bag	1,944	462	-76
Hunters Reported	1,755	420	-76
Average Seasonal Bag	1.1	1.1	0
Total Days Hunted	2,538	840	-67
Average Days Hunted	1.5	2.0	+25
BLUE/RUFFED GROUSE			
Statewide Bag	7,776	10,920	+29
Hunters Reported	6,183	5,628	-9
Average Seasonal Bag	1.3	1.9	+32
Total Days Hunted	23,166	26,712	+13
Average Days Hunted	3.8	4.8	+21
JACK RABBITS			
Statewide Bag	286,875	220,668	-23
Hunters Reported	31,482	25,242	-20
Average Seasonal Bag	9.1	8.7	-4
Total Days Hunted	290,628	270,522	-7
Average Days Hunted	9.2	10.7	+14
COTTONTAIL/BRUSH RABBITS			
Statewide Bag	170,964	116,886	-32
Hunters Reported	32,103	20,706	-35
Average Seasonal Bag	5.3	5.7	+7
Total Days Hunted	180,198	142,758	-21
Average Days Hunted	5.6	6.9	+19
TREE SQUIRRELS			
Statewide Bag	123,228	111,720	-9
Hunters Reported	29,214	23,436	-20
Average Seasonal Bag	4.2	4.8	+12
Total Days Hunted	161,487	146,496	-9
Average Days Hunted	5.5	6.3	+13
WILD TURKEY			
Statewide Bag	10,611	8,022	-24
Hunters Reported	25,839	21,210	-18
Average Seasonal Bag	0.4	0.4	0
Total Days Hunted	87,372	72,492	-17
Average Days Hunted	3.4	3.4	0

TABLE 1
(continued)

	1990	1991	Percent Change
DUCKS			
Statewide Bag	1,027,647	1,297,254	+21
Hunters Reported	73,710	87,360	+16
Average Seasonal Bag	13.9	14.9	+7
Total Days Hunted	564,138	676,074	+17
Average Days Hunted	7.7	7.7	0
GEESE			
Statewide Bag	109,674	122,976	+11
Hunters Reported	35,883	33,474	-7
Average Seasonal Bag	3.1	3.7	+16
Total Days Hunted	306,963	346,542	+11
Average Days Hunted	8.6	10.4	+17
DEER (Hunter Survey)			
Statewide Bag	64,017	39,102	-39
Hunters Reported	304,803	174,426	-43
Total Days Hunted	2,231,307	1,316,070	-41
Average Days Hunted	7.3	7.6	+4
DEER (Tag Returns)			
Statewide Bag	26,736	26,340	-2
Deer Tag Sales	267,668	253,308	-5
BEAR (Hunter Survey)			
Statewide Bag	1,755	1,218	-31
Hunters Reported	12,150	8,232	-32
Total Days Hunted	83,754	64,260	-23
Average Days Hunted	6.9	7.8	+12
BEAR (Tag Returns)			
Statewide Bag	1,187	1,493	+20
Bear Tag Sales	8,615	11,468	+25
WILD PIGS			
Statewide Bag	43,011	22,386	-48
Hunters Reported	54,729	31,206	-43
Average Seasonal Bag	0.8	0.7	-12
Total Days Hunted	367,848	190,764	-48
Average Days Hunted	6.7	6.1	-9

TABLE 2

SUMMARY OF ESTIMATED STATEWIDE BAG - 1991

Species	Average 1984-1989	1990	1991	Change from 1990
Pheasant	344,144*	242,136	255,024	+5%
Quail	1,041,871	865,728	821,688	-5%
Dove	2,298,251	1,651,590	1,922,340	+14%
Chukar Partridge	43,724	43,794	58,128	+25%
Sage Grouse	939**	1,944	462	-76%
Blue/Ruffed Grouse	7,964	7,776	10,920	+29%
Band-tailed Pigeons	75,518	28,674	26,964	-6%
Wild Turkeys	7,533	10,611	8,022	-24%
Jack Rabbits	316,806	286,875	220,668	-23%
Cottontail Rabbits	278,154	170,964	116,886	-32%
Tree Squirrels	144,282	123,228	111,720	-9%
Ducks	1,305,355	1,027,647	1,297,254	+21%
Geese	124,592	109,674	122,976	+11%
Jacksnipe	22,936	22,842	31,458	+27%
Coots	61,058	11,691	13,524	+13%
Deer (Hunter Survey)	59,012	64,017	39,102	-39%
Deer (Tag Returns)***	29,210	26,736	26,340	-2%
Bear (Hunter Survey)	1,518	1,755	1,218	-31%
Bear (Tag Returns)	1,150	1,187	1,493	+20%
Wild Pigs	44,041	43,011	22,386	-48%

Note: 1989 numbers are rounded to nearest hundred.
* 1988 pheasant data not comparable to previous years or 1989 data.
** Sage grouse season closed from 1983-1986, data represents 1987-89.
***Tag return numbers are not rounded because they are not estimates.

TABLE 3

REPORTED HUNTING LICENSE AND TAG SALES, HUNTER HARVEST AND EFFORT 1983-1991

LICENSE & TAG SALES	1983	1984	1985	1986	1987	1988	1989	1990	1991
Hunting License	533,728	487,804	488,770	456,681	421,289	411,204	384,096	376,935	371,878
Deer Hunters	278,906	253,725	260,262	210,933	254,728	312,520	213,300	249,129	174,426
Deer Tags	355,581	317,855	314,810	295,220	232,048	260,805	250,686	267,668	253,308
Beer Tags	14,378	11,077	11,944	9,864	11,971	12,561	CLOSED	8,615	11,468
Duck Stamps (Federal)	109,634	107,736	93,253	93,123	89,893	72,631	71,082	59,784	68,837
Duck Stamps (State)	106,806	98,785	97,021	91,377	89,158	79,301	70,898	66,994	68,380
STATE-WIDE BAG									
Deer (Buck Tag Returns)	26,886	32,190	31,651	30,253	25,864	25,112	28,795	26,736	26,340
Deer (Hunter Survey)	51,800	57,492	69,384	5,484	53,278	68,840	39,600	64,017	39,102
Beer (Tag Return)	601	770	1,138	1,035	1,448	1,359	CLOSED	1,187	1,493
Beer (Hunter Survey)	970	1,116	1,617	1,224	1,666	1,960	CLOSED	1,755	1,218
Wild Pigs	35,600	40,392	34,741	56,447	41,310	59,360	32,000	43,011	22,386
Pheasants	442,200	379,440	308,847	241,128	260,950	659,000	215,500	242,136	255,024
Quail	1,410,220	1,004,436	1,110,585	1,095,072	923,270	1,241,560	876,300	865,728	821,688
Doves	2,738,660	2,551,572	2,640,610	2,018,376	1,935,586	2,110,360	2,533,000	1,165,590	1,922,340
Chukar Partridge	67,850	42,408	50,764	38,709	32,402	59,360	38,700	43,794	58,128
Blue and Ruffed Grouse	4,320	7,668	9,947	6,222	8,024	7,120	8,800	7,776	10,920
Sage Grouse	CLOSED	CLOSED	CLOSED	CLOSED	816	1,800	200	1,944	462
Band-Tailed Pigeons	153,590	125,892	77,714	65,229	66,912	40,560	76,800	28,674	26,964
Jack Rabbits	569,850	527,616	365,981	250,155	234,362	349,520	173,200	286,875	220,668
Cottontail Rabbits	441,690	462,024	313,257	261,681	244,324	249,040	138,600	170,964	116,886
Tree Squirrels	141,400	116,064	188,356	131,325	151,164	130,680	148,100	123,228	111,720
Ducks	1,741,050	1,566,324	1,693,244	1,202,529	1,512,150	813,080	1,044,800	1,027,647	1,297,254
Geese	160,630	145,152	201,586	91,086	16,008	91,520	02,200	109,674	122,976
Coots	161,460	145,764	93,492	33,660	50,660	23,080	19,700	11,691	13,524
Jacksnipe	22,500	43,848	24,304	15,045	11,118	25,200	18,100	22,842	31,458
Wild Turkeys	4,050	5,652	7,791	9,690	7,004	8,760	6,300	10,611	8,022
NUMBER HUNTER DAYS	7,833,340	7,090,560	,905,668	5,495,097	5,288,700	6,786,520	5,020,700	6,035,715	4,951,716

TABLE 4

STATEWIDE HUNTERS 1983-1991

GAME HUNTED	1983	1984	1985	1986	1987	1988	1989	1990	1991
Deer (Applications Sold)	278,906	253,725	260,262	295,220	232,048	219,412	191,479	267,668	253,308
Deer (Hunter Survey)	361,330	286,884	323,596	300,543	254,728	312,520	213,300	304,803	174,426
Bear (Applications Sold)	14,378	11,077	11,944	9,864	11,971	12,561	CLOSED	8,615	11,468
Bear (Hunter Survey)	13,850	11,880	14,406	10,914	11,832	16,520	CLOSED	12,150	8,232
Wild Pigs	39,380	36,108	45,129	49,929	44,472	57,160	36,500	54,729	31,206
Pheasants	137,220	146,808	115,248	82,824	86,938	116,120	76,000	76,059	87,150
Quail	145,310	133,992	125,489	108,018	103,666	115,600	107,400	100,683	87,024
Doves	175,350	173,160	165,571	138,669	134,776	141,360	164,900	111,807	124,782
Chukar Partridge	19,230	19,260	15,925	14,382	12,240	14,960	10,000	12,312	9,618
Blue and Ruffed Grouse	5,200	5,724	6,958	4,947	3,576	5,760	5,300	6,183	5,628
Sage Grouse	CLOSED	CLOSED	CLOSED	CLOSED	816	1,480	500	1,755	420
Band-Tailed Pigeons	25,350	25,812	18,130	14,790	14,756	12,560	15,100	10,152	8,442
Jack Rabbits	64,630	60,480	42,581	32,589	34,068	38,960	26,400	31,482	25,242
Cottontail Rabbits	67,850	64,548	46,697	40,137	39,406	40,080	26,900	32,103	20,706
Tree Squirrels	38,360	32,940	40,376	32,742	34,680	30,400	34,600	29,214	23,436
Ducks	113,070	131,940	118,237	86,598	91,868	68,800	75,300	73,710	87,360
Geese	54,510	58,104	61,446	37,689	38,794	31,400	32,300	35,833	33,474
Coots	12,880	12,636	7,497	4,488	4,556	2,800	2,400	2,052	1,806
Jacksnipe	4,000	5,076	3,724	1,938	1,972	3,040	2,700	2,727	2,436
Wild Turkeys	13,110	16,092	16,023	16,524	17,374	22,840	17,900	25,839	21,210

TABLE 5

TOP TEN COUNTIES FOR TAKE OF SELECTED GAME SPECIES - 1991

PHEASANTS		% OF STATE TOTAL
1>	COLUSA	15.0
2>	YOLO	13.5
3>	SOLANO	8.6
4>	SUTTER	8.2
5>	SACRAMENTO	7.5
6>	BUTTE	6.5
7>	SAN JOAQUIN	6.4
8>	GLENN	5.4
9>	STANISLAUS	4.6
10>	PLACER	2.8

QUAIL		
1>	SAN BERNARDINO	10.3
2>	KERN	9.8
3>	RIVERSIDE	5.1
4>	HUMBOLDT	5.0
5>	LOS ANGELES	4.1
6>	TRINITY	4.0
7>	FRESNO	3.9
8>	TULARE	3.9
9>	IMPERIAL	3.7
10>	SISKIYOU	3.2

DOVES		
1>	FRESNO	10.3
2>	KERN	9.1
3>	RIVERSIDE	9.1
4>	IMPERIAL	8.6
5>	TULARE	7.7
6>	SAN BERNARDINO	3.8
7>	SAN JOAQUIN	3.7
8>	MADERA	3.5
9>	STANISLAUS	3.4
10>	KINGS	3.3

BAND-TAILED PIGEONS		
1>	MONTEREY	8.9
2>	MENDOCINO	7.0
3>	TRINITY	5.3
4>	BUTTE	5.1
5>	SAN LUIS OBISPO	5.1
6>	SISKIYOU	4.8
7>	AMADOR	4.5
8>	SAN BERNARDINO	4.2
9>	SANTA CRUZ	4.2
10>	MARIN	3.9

JACK RABBITS		% OF STATE TOTAL
1>	SAN BERNARDINO	11.1
2>	YOLO	9.5
3>	SAN JOAQUIN	8.8
4>	SOLANO	6.1
5>	TULARE	5.6
6>	KERN	5.5
7>	SISKIYOU	4.8
8>	RIVERSIDE	4.1
9>	SACRAMENTO	3.6
10>	MODOC	3.0

COTTONTAIL RABBITS		
1>	SAN BERNARDINO	19.6
2>	RIVERSIDE	8.9
3>	KERN	7.4
4>	IMPERIAL	5.3
5>	STANISLAUS	5.2
6>	VENTURA	4.0
7>	SAN DIEGO	4.0
8>	FRESNO	3.6
9>	LOS ANGELES	3.1
10>	SACRAMENTO	3.1

DUCKS		
1>	COLUSA	17.0
2>	MERCED	14.7
3>	SOLANO	9.4
4>	BUTTE	6.3
5>	SUTTER	4.5
6>	IMPERIAL	3.4
7>	RIVERSIDE	3.3
8>	SAN JOAQUIN	3.3
9>	YOLO	3.2
10>	FRESNO	3.1

GEESE		
1>	COLUSA	26.0
2>	BUTTE	11.2
3>	MODOC	9.8
4>	GLENN	9.0
5>	SISKIYOU	8.7
6>	IMPERIAL	8.6
7>	MERCED	4.0
8>	SUTTER	2.5
9>	STANISLAUS	2.3
10>	SAN JOAQUIN	1.9

TABLE 6

DISTRIBUTION OF MAJOR GAME SPECIES BY ADMINISTRATIVE REGION - 1991

(PERCENT OF TOTAL STATE BAG)

	PHEASANTS		QUAIL		DOVES		JACK RABBITS		COTTONTAILS		DUCKS	
	1990	1991	1990	1991	1990	1991	1990	1991	1990	1991	1990	1991
REGION 1	4.9	3.3	16.9	17.1	6.3	3.8	29.7	11.9	8.8	5.5	12.1	9.0
REGION 2	75.5	73.8	12.6	13.5	18.2	19.2	19.7	33.5	7.1	13.4	49.8	49.1
REGION 3	3.0	6.9	21.0	12.0	9.8	6.6	14.2	7.7	22.6	7.5	7.5	8.8
REGION 4	13.2	11.4	26.0	25.6	36.7	39.7	20.3	19.1	31.8	25.0	21.4	21.3
REGION 5	2.4	2.7	22.0	30.9	26.7	28.8	14.7	20.6	29.2	46.0	7.6	10.9
UNKNOWN	1.0	1.9	1.5	0.9	2.3	1.9	1.4	7.2	0.5	2.6	1.6	0.9
	100	100	100	100	100	100	100	100	100	100	100	100

TABLE 7

DISTRIBUTION OF HUNTER EFFORT BY GAME SPECIES - 1991

Species	Number of Hunters			Percent of Hunters Per Species		Percent of All Hunters
	Successful	Unsuccessful	Total	Successful	Unsuccessful	Per Species
Deer	34,272	140,154	174,426	19.6	80.4	22.6
Bear	1,218	7,014	8,232	14.8	85.2	1.1
Wild Pig	10,542	20,664	31,206	33.8	66.2	4.0
Coyote	7,896	6,384	14,280	55.3	44.7	1.8
Bobcat	294	756	1,050	28.0	72.0	0.1
Crow	4,116	462	4,578	89.9	10.1	0.6
Pheasant	59,220	27,930	87,150	68.0	32.0	11.3
Chukar Partridge	6,678	2,940	9,618	69.4	30.6	1.2
Quail	67,200	19,824	87,024	77.2	22.8	11.3
Doves	112,770	12,012	124,782	90.4	9.6	16.2
Band-tailed Pigeon	5,670	2,772	8,442	67.2	32.8	1.1
Sage Grouse	252	168	420	60.0	40.0	0.1
Blue/Ruffed Grouse	3,738	1,890	5,628	66.4	33.6	0.7
Jack Rabbits	20,790	4,452	25,242	83.1	16.9	3.3
Tree Squirrels	18,606	4,830	23,436	79.4	20.6	3.0
Cottontail Rabbits	17,094	3,612	20,706	82.6	17.4	2.7
Wild Turkeys	6,342	14,868	21,210	29.9	70.1	2.7
Ducks	77,994	9,366	87,360	89.3	10.7	11.3
Geese	23,226	10,248	33,474	69.4	30.6	4.3
Jack Snipe	2,142	294	2,436	87.9	12.1	0.3
Coots	1,638	168	1,806	90.7	9.3	0.2
			772,506			

All Hunters = 371,878

Due to one hunter often hunting more than one species, the percent of All Hunters per species totals to more than 100% and the number of hunter per species exceeds the total number of hunters reported (371,878).

TABLE 8

HUNTER SUCCESS 1960-91

As Reported by Hunter Survey Respondents
(Percentage)

	Did Not Hunt	Hunted Unsuccessfully	Hunted Successfully
1960	7	28	65
1961	8	28	64
1962	8	28	64
1963	9	25	66
1964	7	23	70
1965	10	24	67
1966	11	23	66
1967	10	22	68
1968	10	22	68
1969	10	21	69
1970	11	22	67
1971	13	23	64
1972	12	23	65
1973	10	25	65
1974	10	22	68
1975	12	23	65
1976	11	25	64
1977	11	25	64
1978	14	24	62
1979	14	22	63
1980	11	26	64
1981	13	29	58
1982	12	32	56
1983	12	31	57
1984	14	27	59
1985	13	28	59
1986	13	30	57
1987	17	26	57
1988	10	29	61
1989	11	27	62
1990	11	31	58
1991	12	25	63

TABLE 9 (continued)

STATEWIDE BAG, HUNTERS, DAYS - 1991

	JACKRABBIT			COTTONTAIL			TREE SQUIRREL			DUCKS		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
ALAMEDA	420	126	336	294	84	672	0	42	1,260	1,890	210	1,344
ALPINE	0	0	0	84	42	252	588	84	84	1,092	210	672
AMADOR	252	126	84	420	42	0	1,890	294	4,158	2,772	462	2,856
BUTTE	2,772	378	4,074	1,932	168	1,764	3,990	1,134	5,082	81,522	5,838	51,786
CALAVERAS	1,302	168	798	798	210	882	4,662	1,260	8,358	2,142	126	252
COLUSA	3,360	420	18,564	42	84	168	3,654	168	756	220,122	12,558	114,702
CONTRA COSTA	1,302	126	2,058	210	84	294	84	42	42	15,372	1,470	9,828
DEL NORTE	0	0	0	0	0	0	294	126	2,562	11,004	756	4,284
EL DORADO	1,512	168	504	168	42	84	8,484	1,806	11,130	84	42	84
FRESNO	4,158	756	4,830	4,200	966	3,444	3,738	840	4,872	40,110	3,570	20,244
GLENN	5,292	672	3,318	0	0	0	2,100	294	2,394	27,678	2,226	17,304
HUMBOLDT	5,040	378	1,722	840	168	420	4,536	924	9,870	31,962	1,348	18,144
IMPERIAL	2,226	462	2,016	6,174	924	4,494	0	0	0	44,730	3,570	17,976
INYO	840	168	630	1,680	126	546	0	0	262	6,183	1,080	1,386
KERN	12,780	1,680	10,836	8,652	1,848	9,618	3,780	1,218	3,780	22,596	2,352	14,406
KINGS	966	210	882	462	252	630	336	84	210	2,142	210	252
LAKE	1,890	336	2,688	252	84	798	3,234	714	3,192	3,276	294	2,562
LASSEN	588	252	882	672	336	882	420	126	84	2,646	714	3,528
LOS ANGELES	2,478	840	4,200	3,612	798	3,864	126	42	126	5,562	420	2,856
MADERA	1,260	252	1,344	1,176	378	1,008	2,142	630	7,056	3,612	546	1,596
MARIN	42	42	42	0	0	0	0	0	0	2,394	252	840
MARIPOSA	42	84	0	378	168	168	504	252	840	84	42	42
MENDOCINO	504	336	9,292	42	84	84	5,544	1,050	4,284	1,344	336	1,764
MERCED	2,730	504	2,688	3,150	546	2,310	210	42	168	190,050	7,938	73,332
MODOC	6,594	420	3,234	1,974	252	1,050	2,646	168	1,134	21,966	2,100	14,448
MONO	588	126	1,176	336	126	966	0	0	0	756	168	840
MONTEREY	126	210	2,394	2,268	588	3,234	2,520	588	1,050	798	126	378
NAPA	4,326	378	2,856	0	0	0	1,764	294	2,982	14,574	1,176	9,408
NEVADA	1,050	126	1,596	84	42	84	798	210	882	714	126	252
ORANGE	0	0	0	924	84	1,932	0	42	3,822	0	0	0
PLACER	1,428	168	924	252	168	882	1,890	756	3,402	18,102	924	9,618
PLUMAS	0	0	0	0	0	0	1,176	420	2,646	2,268	210	924
RIVERSIDE	8,988	1,554	9,198	10,374	1,638	12,642	0	0	0	43,428	2,940	25,620
SACRAMENTO	7,896	924	16,926	3,570	420	3,108	714	168	294	33,684	2,394	22,890
SAN BENITO	1,344	126	1,344	1,848	336	2,352	1,470	126	168	1,680	126	1,050
SAN BERNARDINO	26,586	2,562	29,778	19,068	2,814	23,520	168	126	546	8,190	1,050	3,864
SAN DIEGO	924	378	2,226	4,620	546	8,484	210	84	210	9,786	756	3,906
SAN JOAQUIN	19,446	1,428	17,262	3,234	714	6,048	2,184	252	2,562	43,134	2,688	19,740
SAN LUIS OBISPO	504	294	672	756	252	1,512	1,260	252	924	756	210	798
SAN MATEO	0	0	0	1,848	126	672	0	0	0	1,260	168	1,470
SANTA BARBARA	3,906	210	2,562	2,310	420	1,932	252	42	168	2,772	336	1,764
SANTA CLARA	0	0	0	0	0	0	0	0	0	6,594	420	2,562
SANTA CRUZ	0	0	0	630	42	252	336	42	84	1,260	42	336
SHASTA	336	168	378	1,092	84	378	3,192	798	2,856	9,786	630	3,696
SIERRA	0	0	0	84	42	42	1,050	336	2,058	0	0	0

	JACKRABBIT			COTTONTAIL			TREE SQUIRREL			DUCKS		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
SISKIYOU	10,626	1,008	12,054	1,092	252	1,050	2,982	798	5,922	32,382	2,898	27,048
SOLANO	13,356	1,008	15,120	1,344	546	8,106	504	126	252	122,514	6,594	58,590
SONOMA	546	168	252	0	0	0	1,428	252	1,176	9,744	1,092	7,476
STANISLAUS	6,552	840	27,636	6,090	924	5,460	9,030	252	1,092	13,818	1,008	7,686
SUTTER	1,176	630	1,806	1,050	252	1,008	0	0	0	58,548	4,158	32,130
TEHAMA	1,134	210	1,134	420	42	714	4,074	882	6,636	6,678	420	3,486
TRINITY	1,848	294	10,290	336	126	1,932	6,762	1,638	14,364	756	126	1,764
TULARE	12,264	798	6,762	3,318	840	4,830	2,814	1,008	3,528	2,646	336	3,192
TUOLUMNE	1,890	126	1,176	1,848	126	168	7,602	1,260	9,114	1,638	168	630
VENTURA	1,050	252	1,260	4,662	462	3,192	1,260	42	1,134	26,712	714	6,006
YOLO	20,916	1,386	21,756	3,066	378	6,510	546	210	1,848	41,454	2,268	19,614
YUBA	168	168	210	126	42	84	420	252	1,260	34,314	2,646	16,170
UNKNOWN	16,002	798	10,752	3,024	588	8,232	2,352	840	4,074	11,592	2,016	7,476
TOTAL	220,668	25,242	270,522	116,886	20,706	142,756	111,720	23,436	146,496	1,297,254	87,360	676,074

* San Francisco not listed because no hunting allowed in county.

TABLE 9 (continued)

STATEWIDE BAG, HUNTERS, DAYS - 1991

	GEESE			JACKSNIPE			COOTS			COYOTES	
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
ALAMEDA	1,512	126	672	0	0	0	0	0	0	126	42	126
ALPINE	0	42	84	0	0	0	0	0	0	0	42	0
AMADOR	210	210	2,856	0	0	0	336	42	42	210	84	378
BUTTE	13,734	2,646	33,474	672	126	798	1,050	168	1,596	252	336	798
CALAVARAS	0	84	126	0	0	0	0	0	0	210	252	546
COLUSA	30,492	6,132	90,636	1,344	168	2,436	1,092	252	672	1,008	210	3,360
CONTRA COSTA	252	210	2,478	0	0	0	0	0	0	84	42	42
DEL NORTE	0	0	0	0	0	0	462	42	42	0	0	0
EL DORADO	0	84	210	0	0	0	0	0	0	42	210	420
FRESNO	168	210	1,092	0	0	0	84	42	42	1,302	588	4,494
GLENN	11,046	1,596	22,050	630	42	210	84	42	252	924	84	630
HUMBOLDT	42	42	126	6,678	588	3,696	1,512	126	2,604	378	462	4,200
IMPERIAL	10,584	2,100	19,824	336	42	126	84	42	84	672	336	1,554
INYO	210	168	1,428	0	0	0	0	0	0	546	252	1,764
KERN	294	462	4,578	168	42	84	3,864	84	2,688	1,260	1,008	3,318
KINGS	0	42	252	0	0	0	0	0	0	126	42	420
LAKE	42	42	420	336	42	84	0	0	0	84	84	42
LASSEN	924	462	2,394	257	42	84	0	0	0	420	336	128
LOS ANGELES	168	126	546	0	0	0	0	0	0	294	462	8,232
MADERA	0	126	294	42	42	84	0	0	0	0	84	84
MARIN	84	84	252	0	0	0	0	0	0	0	84	294
MARIPOSA	0	0	0	0	0	0	0	0	0	0	42	42
MENDOCINO	0	0	0	0	0	0	0	0	0	546	294	8,988
MERCED	4,914	1,932	23,520	4,032	252	1,050	84	84	714	0	126	546
MODOC	12,054	2,814	13,566	126	84	126	0	0	0	714	336	8,316
MONO	84	84	1,260	0	0	0	0	0	0	0	84	210
MONTEREY	0	0	0	0	0	0	0	0	0	252	252	5,460
NAPA	168	210	2,562	420	42	84	0	0	0	252	126	1,344
NEVADA	42	42	0	0	0	0	0	0	0	0	42	0
ORANGE	0	0	0	0	0	0	0	0	0	42	42	588
PLACER	630	546	5,586	0	0	0	210	42	84	42	168	798
PLUMAS	210	126	546	0	0	0	0	0	0	42	168	672
RIVERSIDE	2,184	1,680	13,608	420	84	840	1,260	168	1,302	1,806	714	7,434
SACRAMENTO	2,100	756	4,830	210	42	84	294	84	126	210	210	882
SAN BENITO	0	0	0	0	0	0	42	42	42	126	84	126
SAN BERNARDINO	1,932	504	3,654	0	0	0	0	0	0	3,738	1,260	32,508
SAN DIEGO	168	210	966	0	0	0	840	42	42	966	462	3,108
SAN JOAQUIN	2,394	798	7,308	504	84	210	126	42	168	336	210	1,260
SAN LUIS OBISPO	0	0	0	0	0	0	0	0	0	42	42	210
SAN MATEO	0	0	0	0	0	0	84	42	42	84	84	840
SANTA BARBARA	462	42	1,134	0	0	0	0	0	0	714	294	16,968
SANTA CLARA	0	0	0	0	0	0	0	0	0	42	42	126
SANTA CRUZ	0	0	0	0	0	0	0	0	0	0	0	0
SHASTA	1,512	420	2,352	0	0	0	0	0	0	210	210	210
SIERRA	0	0	0	0	0	0	0	0	0	42	126	462

	GEESE			JACKSNIPE			COOTS			COYOTES		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
SISKIYOU	10,710	2,310	23,982	252	126	126	630	168	2,478	210	462	1,386
SOLANO	882	798	224	1,050	126	798	546	84	462	252	336	3,150
SONOMA	42	84	378	3,150	84	1,092	0	0	0	42	126	210
STANISLAUS	2,772	252	4,998	0	0	0	0	0	0	840	420	3,150
SUTTER	3,066	1,596	17,556	420	84	420	378	42	336	126	126	924
TEHAMA	210	210	588	0	0	0	0	0	0	1,386	84	1,974
TRINITY	0	0	0	0	0	0	0	0	0	504	294	2,142
TULARE	168	42	1,050	0	0	0	0	0	0	1,008	672	15,372
TUOLOMNE	126	84	168	0	0	0	0	0	0	42	126	504
VENTURA	462	168	4,116	9,744	126	2,898	168	42	84	1,470	378	2,520
YOLO	1,218	840	7,560	210	84	126	0	0	0	336	336	3,822
YUBA	1,764	882	8,736	0	0	0	0	0	0	0	84	336
UNKNOWN	2,940	1,050	5,502	462	84	84	294	42	420	504	378	1,806
TOTAL	122,976	33,474	346,542	31,458	2,436	15,540	13,524	1,806	14,490	24,822	14,280	160,314

* San Francisco not listed because no hunting allowed in county.

TABLE 9 (continued)

STATEWIDE BAG, HUNTERS, DAYS - 1991

	BOBCAT			DEER			WILD PIG			BEAR		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
ALAMEDA	0	0	0	504	840	5,418	84	252	3,402	0	0	0
ALPINE	42	42	168	588	3,864	26,964	0	0	0	0	84	336
AMADOR	0	0	0	462	3,234	27,384	0	0	0	0	42	420
BUTTE	0	42	840	588	3,234	28,602	0	126	546	0	84	1,134
CALAVARAS	0	0	0	630	4,536	33,432	0	0	0	0	126	252
COLUSA	0	0	0	126	1,050	7,938	546	546	7,140	0	0	0
CONTRA COSTA	0	0	0	126	504	4,536	0	0	0	0	0	0
DEL NORTE	0	42	1,596	504	1,680	17,178	0	0	0	126	378	4,998
EL DORADO	84	42	672	1,428	13,104	100,968	42	84	798	42	420	3,402
FRESNO	126	84	294	210	3,528	24,024	504	1,134	4,998	84	210	4,536
GLENN	0	0	0	168	1,890	14,196	126	126	714	0	168	546
HUMBOLDT	0	126	798	5,586	11,844	112,518	2,058	1,176	3,948	126	714	7,056
IMPERIAL	0	0	0	84	714	1,848	0	0	0	0	0	0
INYO	0	42	168	42	504	3,108	0	0	0	0	0	0
KERN	0	0	0	1,134	5,040	29,316	126	252	1,428	0	294	1,092
KINGS	0	0	0	0	252	1,932	168	378	1,092	0	0	0
LAKE	0	0	0	924	3,192	28,896	504	1,134	7,896	0	0	0
LASSEN	0	42	252	252	2,520	14,574	0	0	0	42	42	84
LOS ANGELES	0	42	42	168	2,772	21,420	0	0	0	0	84	1,428
MADERA	0	0	0	0	1,638	8,568	0	84	294	0	42	294
MARIN	0	0	0	462	756	5,838	0	0	0	0	0	0
MARIPOSA	0	42	42	210	1,512	9,702	0	210	756	0	0	0
MENDOCINO	0	0	0	3,402	8,862	55,860	2,646	3,570	16,086	42	420	3,276
MERCED	0	0	0	0	420	1,470	336	210	1,050	0	42	0
MODOC	0	0	0	252	1,344	8,820	0	0	0	42	84	840
MONO	0	0	0	84	672	4,956	0	0	0	0	42	210
MONTEREY	0	0	0	588	2,688	18,984	2,352	4,410	30,534	42	42	42
NAPA	0	0	0	924	3,108	33,810	1,008	882	9,082	42	42	42
NEVADA	0	0	0	546	3,234	26,292	0	126	504	42	126	504
ORANGE	0	0	0	42	84	630	0	0	0	0	0	0
PLACER	0	0	0	630	5,166	45,402	0	168	1,050	42	378	2,142
PLUMAS	0	0	0	798	4,704	33,348	0	42	42	42	252	4,116
RIVERSIDE	0	42	84	378	1,764	12,012	0	84	210	0	126	462
SACRAMENTO	0	0	0	126	168	252	0	0	0	0	0	0
SAN BENITO	0	0	0	336	1,512	13,062	1,806	2,730	21,126	0	0	0
SAN BERNARDINO	0	126	294	336	3,948	31,584	0	126	210	42	336	2,730
SAN DIEGO	0	0	0	336	2,142	12,558	0	0	0	0	0	0
SAN JOAQUIN	0	0	0	84	336	840	0	168	210	0	0	0
SAN LUIS OBISPO	0	0	0	378	2,016	10,206	840	2,184	10,080	0	0	0
SAN MATEO	126	42	210	126	798	8,988	0	42	252	0	0	0
SANTA BARBARA	0	42	42	294	1,932	18,186	420	1,050	12,264	0	126	1,764
SANTA CLARA	0	0	0	630	1,680	14,784	2,646	1,260	12,138	0	0	0
SANTA CRUZ	0	0	0	0	168	1,218	0	84	168	0	0	0
SHASTA	42	42	126	672	3,276	23,268	210	252	1,176	84	462	2,268
SIERRA	0	0	0	336	2,604	14,532	0	0	0	0	126	378

	BAG	BOBCAT HUNTERS	DAYS	BAG	DEER HUNTERS	DAYS	BAG	WILD PIG HUNTERS	DAYS	BAG	BEAR HUNTERS	DAYS
SISKIYOU	0	42	252	4,200	10,080	89,166	0	84	210	84	798	6,846
SOLANO	0	42	1,470	210	924	11,550	168	840	5,292	0	0	0
SONOMA	0	0	0	1,554	3,906	33,852	3,780	4,536	23,478	0	42	42
STANISLAUS	0	0	0	126	2,016	12,264	420	504	4,956	0	0	0
SUTTER	0	0	0	42	294	798	0	42	84	0	0	0
TEHAMA	0	0	0	1,848	7,098	48,762	210	714	3,192	42	252	1,512
TRINITY	0	42	0	3,444	11,424	84,294	462	210	1,596	252	1,008	7,686
TULARE	84	42	84	504	4,662	25,452	0	366	1,302	0	504	2,394
TUOLUMNE	0	0	0	798	6,384	48,300	0	42	84	0	84	546
VENTURA	0	0	0	294	1,176	8,274	0	126	336	0	168	378
YOLO	0	0	0	378	1,092	6,762	84	126	882	0	42	84
YUBA	0	0	0	84	1,176	5,460	0	0	0	0	0	0
UNKNOWN	42	42	42	126	3,360	21,714	840	756	4,158	0	42	420
TOTAL	546	1,050	7,476	39,102	174,426	1,316,070	22,386	31,206	190,764	1,218	8,232	64,260

* San Francisco not listed because no hunting allowed in county.

TABLE 9

STATEWIDE BAG, HUNTERS, DAYS - 1991

	DOVES			PIGEONS			BLUE/RUFFED GROUSE			TURKEY		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
ALAMEDA	6,720	420	1,260	0	0	0	0	0	0	0	126	1,554
ALPINE	210	42	84	0	42	42	420	210	966	0	42	42
AMADOR	7,014	840	2,058	1,218	252	714	126	84	126	210	840	2,856
BUTTE	39,186	2,982	13,818	336	294	756	0	42	420	168	840	2,856
CALAVARAS	14,028	798	4,536	252	126	168	84	42	84	252	882	4,074
COLUSA	35,784	2,898	8,820	0	0	0	0	0	0	42	42	168
CONTRA COSTA	7,518	714	3,318	252	42	126	0	0	0	0	42	42
DEL NORTE	0	42	84	378	84	1,680	42	84	630	0	0	0
EL DORADO	11,130	1,008	3,108	1,554	504	1,302	210	252	336	546	1,848	7,392
FRESNO	198,198	11,130	77,040	84	168	462	210	84	168	0	168	252
GLENN	24,570	1,890	6,678	420	42	210	42	84	84	84	294	1,512
HUMBOLDT	798	84	84	1,008	378	714	3,402	1,554	4,494	168	378	1,638
IMPERIAL	164,514	9,744	37,968	168	42	84	0	0	0	0	0	0
INYO	18,060	1,092	4,032	0	0	0	135	108	189	0	27	27
KERN	175,854	9,744	41,832	588	252	546	0	0	0	210	672	1,428
KINGS	62,580	3,780	13,020	84	42	84	0	0	0	0	84	84
LAKE	4,956	546	1,386	42	42	42	126	42	84	0	126	126
LASSEN	2,562	210	210	168	42	84	0	0	0	0	0	0
LOS ANGELES	28,476	2,184	10,164	0	84	126	0	0	0	0	0	0
MADERA	66,360	3,402	14,784	0	42	210	0	0	0	0	84	126
MARIN	2016	336	714	1,050	42	252	0	0	0	0	0	0
MARIPOSA	5,208	378	1,050	0	42	42	0	0	0	27	42	84
MENDOCINO	2,184	168	714	1,890	336	1,134	1,302	252	1,764	378	1,302	4,074
MERCED	39,270	3,066	9,324	210	42	126	0	0	0	0	336	756
MODOC	4,242	210	966	0	0	0	0	42	336	0	0	0
MONO	2,394	252	294	0	0	0	42	84	294	0	0	0
MONTEREY	15,650	1,512	4,158	2,394	1,008	1,932	0	0	0	42	588	1,470
NAPA	17,010	1,638	5,166	126	42	210	0	0	0	168	378	1,470
NEVADA	2,856	252	420	0	42	42	0	126	294	84	798	3,276
ORANGE	1,848	168	504	126	168	378	0	0	0	0	0	0
PLACER	19,152	1,554	5,124	294	252	756	336	252	1,260	504	1,932	7,854
PLUMAS	462	168	420	0	0	0	0	42	84	42	42	168
RIVERSIDE	174,888	8,190	50,568	1,386	84	462	0	0	0	0	42	84
SACRAMENTO	41,412	4,032	16,926	588	42	210	0	0	0	0	252	882
SAN BENEITO	5,670	546	3,906	0	0	0	0	0	0	42	168	2,058
SAN BERNARDINO	72,996	4,788	20,412	1,134	420	882	0	0	0	0	1,386	3,696
SAN DIEGO	25,536	1,176	7,518	714	504	0	0	0	0	0	0	0
SAN JOAQUIN	79,560	4,872	0	0	0	405	0	0	0	0	42	84
SAN LUIS OBISPO	19,320	1,554	18,522	1,386	378	1,008	0	0	0	294	798	2,478
SAN MATEO	2,226	210	5,208	0	0	0	0	0	0	0	0	0
SANTA BARBARA	31,542	1,764	756	336	126	504	0	0	0	0	84	378
SANTA CLARA	12,516	756	7,938	168	126	126	0	0	0	0	252	462
SANTA CRUZ	4,620	210	3,570	1,134	210	840	0	0	0	0	0	0
SHASTA	4,452	378	1,008	714	252	588	84	84	168	0	924	3,822
SIERRA	336	42	1,260	252	42	126	252	42	294	0	0	0

	DOVES			PIGEONS			BLUE/RUFFED GROUSE			TURKEY		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
SISKIYOU	14,448	1,344	252	1,302	252	840	1,680	798	5,628	42	462	1,134
SOLANO	25,242	1,890	4,788	84	42	42	0	0	0	0	0	0
SONOMA	19,068	1,428	8,820	462	126	294	0	0	0	0	714	1,512
STANISLAUS	65,100	4,074	4,998	546	126	630	0	0	0	42	126	210
SUTTER	17,892	1,848	18,480	0	0	0	0	0	0	0	84	252
TEHAMA	45,780	3,066	7,182	210	84	84	0	42	42	252	1,050	3,444
TRINITY	882	252	12,978	1,428	378	1,050	2,394	1,134	8,484	42	546	1,890
TULARE	147,420	7,770	630	126	168	210	42	84	336	168	672	1,302
TUOLOMNE	3,234	588	36,288	84	210	336	84	84	126	0	252	546
VENTURA	35,852	1,470	2,478	588	84	336	0	0	0	0	0	0
YOLO	55,230	4,746	15,918	996	84	378	0	0	0	0	0	0
YUBA	12,054	1,428	5,208	0	0	0	0	0	0	42	1,008	4,116
UNKNOWN	37,254	3,108	10,920	714	252	462	42	84	210	0	462	840
TOTAL	1,922,340	124,782	517,108	26,964	8,442	23,100	10,920	5,628	26,712	3,528	21,210	48,258

*San Francisco not listed because no hunting allowed in county.

TABLE 9 (continued)

STATEWIDE BAG, HUNTERS, DAYS - 1991

	PHEASANT			QUAIL			CHUKAR PARTRIDGE			CROW		
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
ALAMEDA	336	84	546	3,234	420	1,974	1,512	42	840	0	0	0
ALPINE	252	42	84	2,142	294	798	0	0	0	0	0	0
AMADOR	0	84	1,008	7,986	966	6,720	462	168	714	168	42	126
BUTTE	16,632	5,544	24,864	12,390	1,848	12,348	0	0	0	2,520	42	210
CALAVERAS	294	210	798	15,876	1,554	9,912	210	84	42	0	0	0
COLUSA	38,346	10,458	44,184	1,050	462	1,050	1,260	126	252	126	84	168
CONTRA COSTA	6,888	1,470	7,350	1,512	126	252	252	42	42	168	42	42
DEL NORTE	126	84	168	1,806	294	1,764	0	0	0	0	0	0
EL DORADO	168	84	294	24,780	3,024	16,422	0	0	0	0	0	0
FRESNO	2,772	2,100	8,736	32,256	4,158	16,422	462	168	966	1,050	210	714
GLENN	13,818	4,200	19,194	5,460	714	3,444	0	0	0	0	0	0
HUMBOLDT	882	168	504	41,034	3,612	29,232	756	42	84	0	0	0
IMPERIAL	2,730	1,764	6,972	29,988	2,646	15,708	420	42	252	0	0	0
INYO	294	168	420	4,368	924	2,856	882	714	1,890	0	0	0
KERN	4,284	1,764	6,762	80,304	6,720	35,742	9,502	1,512	6,720	3,108	378	1,428
KINGS	882	966	2,730	4,998	255	1,512	0	0	0	0	0	0
LAKE	84	42	42	7,308	1,008	14,746	0	0	0	630	84	210
LASSEN	798	294	882	2,268	252	1,722	2,856	630	1,932	0	0	0
LOS ANGELES	168	42	168	33,264	3,444	23,982	1,176	294	462	126	84	378
MADERA	1,218	1,176	4,326	11,718	1,302	8,190	0	0	0	0	0	0
MARIN	210	42	420	546	168	294	966	126	168	42	84	252
MARIPOSA	0	0	0	19,614	1,050	4,704	0	0	0	0	0	0
MENDOCINO	0	42	42	16,506	1,116	12,894	840	42	126	210	84	1,806
MERCED	4,746	2,604	7,854	5,880	630	1,924	588	252	462	882	210	714
MODOC	840	546	1,554	2,604	378	1,848	252	126	168	84	42	42
MONO	0	0	0	1,470	126	0	168	126	294	0	0	0
MONTEREY	0	0	0	25,326	2,394	10,626	252	126	672	630	42	630
NAPA	714	210	756	6,930	840	5,292	42	42	42	0	0	0
NEVADA	0	0	0	5,418	714	2,100	420	42	84	0	0	0
ORANGE	0	0	0	1,092	294	5,502	0	0	0	0	0	0
PLACER	7,182	2,436	9,450	8,064	1,890	10,626	0	0	0	126	84	84
PLUMAS	0	0	0	2,142	588	3,150	0	0	0	0	0	0
RIVERSIDE	3,402	546	2,226	41,748	3,780	26,376	11,088	756	3,234	10,710	294	1,554
SACRAMENTO	19,236	7,476	35,742	3,738	798	5,922	420	42	84	504	42	126
SAN BENITO	1,386	210	1,806	4,788	798	3,234	588	168	714	0	0	0
SAN BERNARDINO	168	84	630	84,798	7,140	53,592	6,006	1,722	9,114	9,786	420	3,150
SAN DIEGO	0	42	336	13,986	1,722	8,526	168	42	42	798	126	210
SAN JOAQUIN	14,358	5,166	24,150	7,602	1,260	4,452	336	84	168	2,394	294	1,890
SAN LUIS OBISPO	378	84	210	16,632	1,722	6,804	588	84	210	0	0	0
SAN MATEO	0	0	0	1,596	336	1,512	0	0	0	0	0	0
SANTA BARBARA	168	84	378	20,328	1,890	10,080	1,302	168	378	294	84	336
SANTA CLARA	168	126	294	6,300	504	1,890	882	84	882	168	42	0
SANTA CRUZ	0	42	84	1,386	168	294	0	0	0	0	0	0
SHASTA	168	84	756	15,246	1,512	6,930	0	0	0	0	0	0
SIERRA	0	0	0	1,008	420	1,302	0	0	0	0	0	0

	PHEASANT			QUAIL			CHUKAR PARTRIDGE			CROW	
	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS	BAG	HUNTERS	DAYS
SISKIYOU	2,562	1,554	6,804	26,460	2,898	25,746	924	126	252	294	126	1,344
SOLANO	22,050	4,956	25,746	5,586	336	4,620	7,305	336	714	294	168	798
SONOMA	1,344	504	2,100	4,116	462	966	1,134	210	210	546	84	336
STANISLAUS	11,760	4,074	18,816	11,340	1,260	6,930	1,638	210	798	12,852	588	109468
SUTTER	20,958	6,930	31,500	924	252	1,176	3,276	168	1,176	2,394	294	1,596
TEHAMA	2,226	1,386	4,662	17,976	2,058	8,862	0	0	0	0	0	0
TRINITY	756	42	504	32,886	2,856	24,024	0	0	0	42	42	1,260
TULARE	3,360	2,730	11,298	32,214	2,478	10,836	42	42	42	1,974	210	1,050
TUOLUMNE	0	0	0	12,390	1,722	14,364	1,638	84	336	0	0	0
VENTURA	0	0	0	22,806	2,058	11,844	84	84	42	1,050	84	336
YOLO	34,314	10,710	52,584	3,486	714	4,956	210	42	42	1,050	84	1,302
YUBA	4,704	2,058	6,468	5,418	672	4,368	168	42	84	420	42	42
UNKNOWN	4,914	1,638	6,888	7,686	1,554	3,696	1,050	378	840	840	42	210
TOTAL	255,024	87,150	384,094	821,688	87,024	507,108	58,128	9,618	35,574	56,280	4,578	33,012

* San Francisco not listed because no hunting allowed in county.

Mr. Rob Blair
711 Ranch
P.O. Box 8
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June 17, 1993

The Honorable Bruce Vento, Chairman
National Parks, Forest & Public Lands Subcommittee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Vento:

I am writing as a follow-up to the hearing held on June 15, 1993 regarding H.R. 518. I respectfully request that this letter be incorporated into the record of that hearing as both an attachment and follow-up to the testimony presented in order to clarify questions asked and statements made during the hearing process.

First, I would like to clarify the question over the language that allows the Director of the National Parks Service to renew or not renew grazing permits. Yes, this language is similar to the language that allows the Director of the Bureau of Land Management to renew or not renew grazing permits. However, these are two different agencies under two different mandates. The National Parks Service does not allow grazing in any parks we know of, as it does not fit into the management of parks per their mandate from Congress. On the other hand, the Bureau of Land Management is a multiple use land management agency that is mandated for multiple use by Congress, especially in the case of desert ranchers who have preferential AUM's that are tied to private property per the Taylor Grazing Act. In that case, the Bureau of Land Management must almost always reissue grazing permits as they expire. Therefore, we oppose giving the National Parks Service Director the authority to review our grazing permits at the end of the term under the 25 year probation period. Of course, in no case do we approve having our lands stolen from us at the end of 25 years, or at any other time.

Additionally, the spokesperson for the Wilderness Society mentioned that cattle grazing would not be a factor based upon the Desert Tortoise Recovery Plan. This is entirely false. We are currently working with the Bureau of Land Management and the United States Fish & Wildlife Service on both a Section 7 Consultation Package and the Desert Tortoise Recovery Plan and have found both agencies to be very informative and cooperative in working with us. But, because of our preferential AUM's tied to our private property rights, it appears that Desert Tortoise management schemes should not substantially effect cattle grazing in the Mahave Desert as was reported in the subcommittee.

Finally, it appears through comments expressed at the hearing that some on the subcommittee make light of our industry, as it was suggested that the hunting issue be solved by allowing hunters to hunt cows. Unfortunately, this is the livelihood into which we have poured our multi-generations of sweat, hard work, dedication, and commitment. We feel that it is unfortunate that we fly to our nation's Capitol to have elected officials make light of our way of life, our heritage, our traditions, and all of the hard work that we have put forth to carve a nitch in this society as productive members, voters, and tax payers of the United States of America.

Again Chairman Vento, thank you for allowing us to comment at the subcommittee hearing. We hope the subcommittee will see fit not to steal the land from the tax payers of the United States.

Sincerely, Rob Blair

Rob Blair
California Cattleman

cc: High Desert Cattlemen's Association
California Cattlemen's Association
National Cattlemen's Association
Public Lands Council
California Wood Growers Association
Agricultural Council of California

CALIFORNIA ENDURO RIDERS ASSOCIATION
P.O. BOX 4461
SANTA CLARA, CALIFORNIA 95054

June 14, 1993

Hon. Bruce Vento
Chrmn, Subcommitte on
National Parks & Public Lands
ATTN: C. Stanley Sloss
H1-812
Washington, DC 20515

Dear Congressman Vento:

The **California Enduro Riders Association** wishes to submit the following information concerning the hearings proposed for HR-518, the "California Desert Protection Act". We wish to have all of the following information incorporated into the public record of these hearings.

We support many programs to protect the California Desert from degradation of many forms, but we OPPOSE HR-518 because it attempts to accomplish the protections we all desire by merely closing off the desert to many forms of legitimate recreation. These forms of recreation have had negligible overall impact upon the California desert.

Much of the testimony you will obtain during your hearings will be contradictory, and require that your subcommittee weigh not only what is said, but the credibility of who said what.

The Sierra Club wrote the original version of this bill, and is its primary sponsor. As documented by the Federal Elections Commisison, the Sierra Club has provided financial contributions to all of the US Senators and members of the US House of Representatives who have sponsored this proposed legislation. The Sierra Club has also provided financial contributions to most of the majority party's members in both the House and Senate working committees who will pass committee judgement on this proposed legislation. The Sierra Club has also provided financial contributions

to the Chairmen of both the House and Senate Committees who will lead consideration of this proposed legislation.

We believe that the Sierra Club's claims about the extent, nature and source of environmental problems in the California desert are exxagerated in most cases, untrue in several cases, and overall reflect a phony crisis-du-jour mentality. This type of "hype" from the Sierra Club across a broad range of environmental issues has not gone un-noticed by responsible elected public officials.

We wish to enter into the public record for the hearings on HR-518 the following letter from Governor Walter J. Hickel of the State of Alaska, to the Sierra Club's executive director, a Mr. Carl Pope. This letter identifies the same phony crisis-du-jour exxagerations and untrue statements that have become calling cards of the Sierra Club to elected public officials, such as the House Subcommittee on National Parks and Public Lands.

We wish to have members of the House Subcommittee on National Parks and Public Lands recognize that the point-by-point declarations made by Governor Walter J. Hickel of Alaska to the phony pronouncements by the Sierra Club to activities in Alaska can be equally applied to the many phony pronouncements made by the Sierra Club to activities in the California desert.

Very truly yours,

Tony Pavone

Tony Pavone

Alaska Challenges Sierra Club!

"If the reaction of some environmental groups to Alaska's wolf control proposal didn't convince you that some use of Alaska as a fund raising springboard, the latest solicitation letter from the Sierra Club should."

"The six-page letter is so outrageous it prompted Gov. Walter Hickel to fire off a letter to Sierra Club Executive Director Carl Pope, refuting statements in the letter point by point, and requesting equal time with those the solicitation was sent to."

So goes a 'letter to the editor' of the Fairbanks Daily News - Miner in the latest outrage against the Sierra Clubs latest fundraiser. After detailing much of the outrage, the letter concludes:

"The sad thing is, many Americans will be suckered into believing the outrageous claims of this letter. The money they send to the Sierra Club to protect Alaska won't make any real difference here, because adequate protection already is in place, but it will enrich the club's coffers.

Concerned Americans would be better advised to look to their own states, target legitimate problems in which they can be locally involved and adequately informed, and leave the protection of Alaska to people to tell the truth."

This is just the tip of the iceberg of the reaction they got out of Alaskan Government Officials over the piece. Governor Walter J. Hickel, one of the 'powerful men threatening to destroy Alaska's precious wilds', wrote a very detailed letter to Carl Pope, executive director of the Sierra Club, describing the inaccuracies and answering the allegations, and then offering to help the club salvage their reputation by helping them get the truth out about Alaska.

The State Legislature wasn't so kind however. Resenting the fact that their state policy is being grossly misused for private profit, they passed a resolution encouraging the Sierra Club to cooperate in presenting the truth and further resolving that environmental groups report all of the facts before presenting an agenda that is harmful to all Alaskans.

Don Young, Congressman for all Alaska, also wrote a letter of endorsement calling attention to the Sierra Clubs misrepresentation before his fellow colleagues and warning them of other possible fabricated crisis that may be generated by this group. For your information and to help spread the truth and undo the damage done by the fund raising letter, we include here the full context of Governor Hinkel's letter and Don Youngs letter to a colleague (Page 14). Also there is some talk of Alaska suing the Sierra Club over the misrepresentations if suitable measures to correct the probem are not taken.

Last month we extended a Special Invitation to Sierra Club Members to join the BlueRibbon Coalition as we are the organization that is working hard to preserve our Public Resources FOR the People,' the original purpose of the Sierra Club. Again we extend that invitation as we continue to report on and advocate a more reasonable, science-based preservation effort that works hand in hand with the realistic needs of people so that 'All Creatures' of the earth may continue to strive and live in a 'good environment' in the future.

"You can fool some of the people some of the time . . ."

State of Alaska
Office of the Governor
Governor's Letter to:

Mr. Carl Pope
Executive Director, Sierra Club
739 Polk Street
San Francisco, CA 94109

Dear Mr. Pope:

I need your help.

Recently a letter with your signature was sent out by someone claiming to represent the Sierra Club.

Have you seen it? It read like a piece out of the National Enquirer.

Alaska, and every recipient of that letter, is a victim of misinformation. The propaganda being perpetrated about Alaska by that organization distorts information about our great state for the sole purpose of fundraising. Whoever sent this letter apparently believes that raising money is more important than the truth.

I know the Sierra Club historically has supported some noble causes and ideals. This letter, however, crossed the line to fanaticism. And fanaticism, no matter how well intentioned, tramples the truth.

I cannot believe your membership would support relying on lies to raise money from decent Americans. Please permit me to present to your membership a point-by-point response to this letter's claims:

Sierra Club: "Alaska . . . is in the hands of powerful men who are threatening to destroy Alaska's precious wilds."

FACT: Less than one-half of one percent of Alaska has been developed. And that has been done carefully, with strict environmental protection. In our lifetime, we will probably never see one percent of Alaska developed.

Sierra Club: " . . . overlogging old-growth trees in the national forests."

FACT: We have the two largest national forests in the United States. There is virtually no logging at all taking place in the 5.6 million acre Chugach National Forest. Of the 16,900,000 acres of the Tongass National Forest, only 9,300 acres of old-growth trees are harvested annually. That's less than one-tenth of one percent.

Sierra Club: " . . . reckless ravaging of America's last frontier."

Fact: There is no reckless ravaging. Take one example: over 99 percent of our wetlands remain untouched. We are part of the United States, and all federal statutes and regulations apply. In addition, Alaska has some of the strictest state environmental laws and regulations in the nation.

Sierra Club: "The men who hold Alaska's future in their hands are plotting to dismantle the state's environmental protections."

Note: The Speaker of the House and majority leader are women. The co-chairs of the Senate and House finance committees are women. A little less chauvinism and a little more truth might give some validity to the conspiracy theory.

Fact: We are dismantling nothing. However, we are reviewing our very strict statutes and regulations to ensure that they don't go overboard and make it impossible for our communities and businesses to function. Like all issues affecting the public, environmental protection must not be based on emotion alone. It must conform to both science and common sense.

Sierra Club: " . . . Governor Hickel's barbaric plans to slaughter wolves in Alaska."

Fact: Under our state's Constitution, the State Board of Game makes policy for Alaska's wild game. It was the Board's plan, not mine, that caused the ruckus. When the board adopted aerial wolf management with helicopters, the Commissioner of Fish and Game—with my full support—directed his department not to implement the plan. Aerial control was not acceptable to a great many Alaskans and non-residents. At the same time, the science is clear that good game management requires wolf control at times, but only in very limited areas and under special circumstances.

Note: If we do nothing, I suspect next year this organization's headline will scream: "Governor Hickel's barberic game policy allows wanton slaughter of baby moose and caribou." And two years later: "Governor Hickel's barberic management allows hundreds of wolves to starve from lack of game." There is, as you know, more to the story than propaganda one-liners. Why not trust people with facts?

Sierra Club: "USING OIL SPILL DOLLARS . . . Governor Hickel has again reversed himself and now supports the purchase and protection of private lands within the parks."

Fact: I have always advocated buying the private lands within Kachemak Bay State Park. Last month, I put together a $22 million agreement to do just that. by combining state dollars with settlement dollars from both Exxon and Alyeska. These settlements were the result of my administration's work. Without them, the state would have been hard-pressed to find the dollars needed for the buy-back.

Sierra Club: "We're in a fierce battle for the 'leftovers'—the last remaining land left after reckless exploitation."

Fact: There is almost on resource development taking place on the 218 million acres of federal land in Alaska (that's twice the size of California). There are hundreds of billion of tons of coal and oil a single coal mine on federal land. There are bonanza-size deposits of critical minerals and only one hard rock mine, which is currently inactive. There is an ocean of oil, but the only oil wells are those on the Kenai Peninsula. And less than 2 percent of Alaska's land is held in conventional private ownership.

Sierra Club: "Governor Hickel conceives of building 1,400 state roads, criss-crossing through vast expanses of pristine Alaskan interior."

Fact: Now that is a whopper! I can only guess this organization is referring to the 1,700 existing right-of-ways we are adamant in protecting. However, only a few of those will be utilized. Alaska currently has fewer road miles than Vermont!

I can understand this organization's immense interest in our state. Alaska has 70 percent of the national parks; 90 percent of all federal wildlife refuges, and 62 percent of all federally designated Wilderness is in Alaska.

Noting the above corrections, I request that the Sierra Club, on behalf of the State of Alaska, find out who is mailing this inflammatory disinformation and stop them before they ruin the organization's credibility; mail out a correction; and offer a refund to anyone who has sent in money because of this hoax.

I am willing to help. Please provide my office with a copy of your mailing list so that we can send Sierra Club members accurate information about Alaska and its policies.

Together we can save your reputation.

With best regards.

Sincerely,

/s/ Walter J. Hickel, Governor

Tell Your Friends about BlueRibbon Magazine!

MOTORCYCLE
INDUSTRY
COUNCIL, INC.

EXECUTIVE
OFFICE

2 Jenner Street, Suite 150, Irvine, CA 92718-3812 • (714) 727-4211 • FAX (714) 727-4217

June 10, 1993

The Honorable Bruce Vento, Chairman
Subcommittee on National Parks & Public Lands
H1-812, U.S. House of Representatives
Washington, D.C. 20515
Attn: Mr. Stanley Sloss

Dear Congressman Vento:

Please find attached an official position statement from the Motorcycle Industry Council regarding the **California Desert Protection Act (H.R. 518). We are submitting this for the record for the hearings scheduled for June 15, 1993.**

Our association anticipates significant economic impact should this bill become law in its current form. California's economic recovery is still lagging behind the rest of the nation and can ill-afford further hardship. Statewide, it has been estimated that California has lost 800,000 jobs as a result of the current recession. The rural communities in the desert regions have been the most affected, with unemployment presently at 33% in Imperial County alone. These farming and resource-based counties will be dealt a serious blow by S.21.

We urge you to give due consideration to the arguments being made by the opponents of this bill. By doing so, we believe a more sensible piece of legislation can be created to protect the desert without placing unnecessary burden on California's economic recovery.

The Motorcycle Industry Council would be pleased to work with you and the Subcommittee staff to arrive at a more balanced proposal. Feel free to contact us if we can provide additional information.

Sincerely,

James A. Williams
Manager, OHV Planning

cc: Honorable Richard Lehman

MOTORCYCLE
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POSITION STATEMENT

CALIFORNIA DESERT PROTECTION ACT (S.21 & H.R. 518)

The Motorcycle Industry Council **opposes the California Desert Protection Act in its present form.** We believe it is unnecessary and overly restrictive in its approach. Many activities, including recreational off-highway vehicle (OHV) use, would be eliminated or severely curtailed should this legislation be enacted.

We estimate that there are 268,200 off-highway motorcycles and ATVs in use in Southern California, and approximately 670,500 operators. Over seven hundred retail outlets employ approximately 4,000 people. The estimated economic value of this marketplace exceeds $234 million annually. The CDPA would make almost three-fourths of the presently accessible desert (about 12 million acres) unaccessible to any form of mechanized transport. We feel that a closure of this magnitude will seriously impact the OHV marketplace. In addition, we estimate losses in the millions to governmental bodies in the form of state sales taxes, personal income taxes, and vehicle registration fees.

As an alternative to the proposed legislation, we would urge the Congress to incorporate significant changes to S.21 & H.R. 518 to reduce the devastating impacts to OHV recreation. Specific proposals have been submitted by various user groups including the American Motorcyclist Association and the California Association of Four-Wheel Drive Clubs. These changes would preserve traditional OHV use areas and protect key access routes without compromising the intent of the legislation. The MIC endorses these recommendations and urges the Congress to incorporate them into S.21 & H.R. 518 in their entirety.

The Motorcycle Industry Council (MIC) is a nonprofit national trade association representing manufacturers and distributors of motorcycles, motorcycle parts and accessories, and members of allied trades.

Unocal Corporation
1050 Connecticut Avenue, N.W., Suite 760
Washington, D.C. 20036
Telephone (202) 659-7600

UNOCAL 76

J. William Ichord
Director, Federal Affairs

June 25, 1993

The Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks, Forests
and Public Lands
812 O'Neill House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of Molycorp, Inc., a Unocal company, I am writing to request that the enclosed statement by Mr. Robert A. Sega of Molycorp be made part of the Subcommittee's record for the July 15 hearing on H.R. 518, California Desert Protection Act of 1993.

Thank you for your kind consideration of this request.

J. William Ichord

Enclosure

Statement for the Hearing Record

of

Robert A. Sega

Manager, Mountain Pass Plant

Molycorp, Incorporated

on

H.R. 518

California Desert Protection Act of 1993

Before the

National Parks, Forests and Public Lands Subcommittee

of the Committee on Natural Resources

United States House of Representatives

Washington, D.C.

On behalf of Molycorp, Incorporated, this testimony is submitted for the hearing record on H.R. 518, the California Desert Protection Act of 1993. Molycorp opposes enactment of this legislation as written.

Molycorp, Incorporated, a wholly-owned subsidiary of Unocal Corporation in Los Angeles, California, mines and processes lanthanides, or rare earths, at Mountain Pass, California. Molycorp is the only primary domestic producer of lanthanides in a non-communist country. Lanthanides are critical strategic elements which have widely diverse applications and uses such as:

1) Automobile exhaust catalysts and other emission controls;

2) Application in the area of high temperature superconductors where both lanthanum and yttrium are used;

3) Ultra high strength permanent magnets (electric motors);

4) Solid state lasers (medical and industrial uses);

5) Missile guidance systems and microwave communications;

6) Catalysts for petroleum refining (essential for gasoline production);

7) Color TV phosphors and personal computers.

Molycorp believes that the close proximity to and partial inclusion of its Mountain Pass mining operation in a new national park would severely impact its operations. This presents issues for the existing facility in the areas of air quality, the potential claim of degradation of scenic vistas, and in noise generated outside the park.

In addition, future exploration and mining activities within the proposed East Mojave Park would in effect be eliminated, notwithstanding prior existing claims. The subcommittee should also recognize that the international economics of mining require that we seek to develop the most productive deposits of minerals, not merely those that may exist outside some arbitrary park boundary.

At stake in the California Desert is this country's richest, most diversely mineralized region. More than 65 mineral commodities are known to occur in the Desert. These minerals are important in national and international markets and have strategic applications. These commodities are not duplicated in content, quality or quantity in another location in the world.

The ability of some of this country's most prominent mining companies to keep producing these materials is threatened by this legislative proposal.

As a basic industry, mineral exploration and development is delicately woven into the supply and demand which drives the economic system. Discovery of minerals may be stimulated by market opportunities, or -- as in the case of lanthanides -- discovery of minerals creates new needs. A forecast of the material needs and economic conditions of the coming decades is beyond any realm of possibility.

Exploration is an on-going dynamic process. No single company or source can document every mineral site. As an example, a new yttrium deposit in the Mojave Desert is under consideration in Riverside County in a program unrelated to Molycorp. Also, over half of California's known geothermal resource areas are in the California Desert. Unocal's Geothermal Division and other companies have interests in many prospective areas within the boundaries proposed by H.R. 518.

A guiding force of geology which should be considered by all of those with responsibility for land use decisions is: the absence of evidence is not evidence of absence.

The minerals industry is constantly being changed by the dynamics of both economics and technology. Technological advances in exploration, equipment and processing techniques have made deposits economic today that could not be mined economically two decades ago.

Thirty years ago Mountain Pass had little or no value. Today many high-tech industries depend upon its minerals. The point is that no one can predict which minerals will be valuable or useful in the future. If these lands are withdrawn from mineral entry and multiple use it will preclude any future mineral discovery or extraction from them.

There are many points about this legislation's impact on the desert's mineral production potential. To mention just a few:

-- Mining is compatible with the environment. The Desert Plan requirements, coupled with the state of California's stringent rules, create the most intense regulatory framework for mining operations in this country.

-- Mineral resources are not a "bankable" option for the future if they cannot be discovered. Availability of tomorrow's resources rests exclusively on today's exploration.

-- Minerals can only be taken from where they are located. They cannot be planted, created by artificial means or moved without mining.

-- California Desert producers have documented their pending depletion of reserves and forecast future commodity demands which will not be met without access to the Desert's mineral deposits. That direct economic impact on the people of the desert and the people of Southern California also is documented.

-- Language purporting to safeguard the mining industry's ability to operate by recognizing "valid and existing rights" is shown by example and legal precedent to be ineffective.

Molycorp believes that the close proximity to a new National Park would severely impact its operations. The proximity problem presents issues for the existing facility in areas of air quality, the concept of degradation of scenic vistas and in noise generated outside the Park. The proposed Park boundaries are less than 1½ miles away from the operating mine property.

As a practical matter, future exploration will be eliminated inside park boundaries and new mining activities precluded as well. We are not aware of any mine in operation in a national park or monument even though the legislation that created several parks contained specific guarantees similar to those in H.R. 518.

-- The mining industry recognizes the need for special designations to protect unique areas of environmental sensitivity. The industry ultimately accepted the BLM Desert Plan process. As predicted in 1980 , the Desert Plan is a difficult management program for minerals extraction.

-- An area as vast as the California Desert, located in such proximity to Southern California's urbanized regions, deserves and requires a dynamic management program that is publicly responsive.

Molycorp, Inc., has a specific and perhaps unique interest in this legislation. The operation is located on the northeastern boundary of the proposed Mojave National Park about 50 miles southwest of Las Vegas, Nevada. The unique orebody at Mountain Pass provides the United States with a domestic supply of lanthanides for many defense and high technology uses as well as a significant export business to help the balance of payments. Molycorp is the only primary producer of lanthanides in the non-Communist world.

Molycorp has four specific concerns regarding the effect of H.R. 518 on our Mountain Pass lanthanide mine which we submit for the hearing record of the subcommittee.

These concerns are the maintenance of a buffer zone around the mine and the claim block, the safeguarding of the mine's existing water supply and the continuance of our pipeline rights-of-way.

A. Buffer Zone -- The present boundary of the proposed Mojave National Park takes 125 acres from our northern claim block and about 1600 acres of our southern claim block and includes these lands inside the park. Currently active mine rock dumps are only 1.3 miles from the boundary as drawn. Therefore, the boundary is too close to an active work site. This raises issues for the existing facility in the areas of air quality, the concept of degradation of scenic vistas and in noise originating outside the Park. Moving the boundary approximately two miles on the north, 2-3/4 miles on the west, and four miles on the south would satisfy our concerns for a buffer zone. Moving the boundary simply allows BLM management of a corridor of lands between the operating property and the Park.

B. Water Permits -- As currently drawn (along Nipton Road), the Park boundary includes 548 acres of our privately owned land which is the source of our underground water for processing at the mine. This wellfield includes 8 wells. Molycorp is very concerned about the protection of our water permits. It is not a satisfactory solution to leave this issue unresolved or subject to litigation. To provide guaranteed water supplies for the mine's continued operation, we request a boundary change so Molycorp will be able to retain its surface ownership of the land overlying the underground aquifer.

C. Rights-of-Way -- H.R. 518 as written does not include pipeline rights-of-way for water or processing water lines. Molycorp has three BLM utility rights-of-way that roughly parallel I-15 and are inside the proposed Park boundary and are necessary for the operation of the mine. Well water from the Shadow Valley area 10 miles west of Mountain Pass is pumped via pipeline and right-of-way through a six-mile long portion of the Park. Water from the Nipton Road wellfield is pumped via right-of-way through 6 miles of Park, east of Mountain Pass. Process waste waters from the mine traverse a three-mile section of the Park via a BLM right-of-way to our Ivanpah Evaporation Pond five miles north of the Park. Molycorp requests inclusion of water and waste-water pipeline rights-of-way.

D. Scenic Vistas/Air Quality -- There are several issues concerning compliance with scenic vista regulations and air quality standards that need to be addressed by the Committee. For example, the Mountain Pass mine will be visible from Clark Mountain, which is within the proposed boundary of the East Mojave National Park. Certainly, the intent of H.R. 518 is not to shut the mine down. Therefore, appropriate language should be added to the legislation to address the protection of prior existing rights.

Molycorp offers you their cooperation to clarify any material concerning the devastating impacts of this proposed legislation on our ability to continue producing the materials upon which America is dependent.

Statement of Position for the Record
Opposition to Bill S21 Desert Protection Act

UNITED FOUR WHEEL DRIVE ASSOCIATIONS

of U.S. and CANADA

The United Four Wheel Drive Associations, an association of associations from all over the United States and Canada, representing several thousands of recreational four wheel drive owners feels it has a moral obligation to oppose S21 (The California Desert Protection Act). Members from all over the Country have expressed their outrage over such an immoral piece of legislation. It is going affect each and every American. Naturally some more than others. No one will truly benefit from this act, except those strictly living to meet a political agenda. Not only is mechanized recreation going to suffer a major loss, the national and many local economies are going to be severely hurt. Jobs will be lost. Rare minerals will be locked away. Families will be driven from their property. That is immoral.

The following points, none of which are positive, have been reasons for concern by our membership and interested parties.

1.) The BLM (Bureau of Land Management) has already spent some (8) eight million dollars on Wilderness study, only to find this area unsuitable.

2.) Several hundreds of thousands of acres of private land would be taken away from families. One estimate was at a cost of $500,000,000.00 to the U.S. tax payer.

3.) There are several desert communities and towns that are very dependent on mechanized recreation, including four wheel drive as well as mining. This bill would wipe out these major sources of income.

4.) Four wheel drive organizations have done conservation/wildlife projects in many parts of this area, with amazing success. Under the rules of "Wilderness," most of these would have to be removed.

5.) Approximately 8.5 million acres are slated for this "protection???" This would force the recreationalists to a very small area, creating an over use condition and could easily become unsafe, due to too many users.

6.) Recreational four wheel drive is one of the fastest growing forms of outdoor recreation. Demand for open areas to enjoy this sport is every increasing. Why are some of our elected officials looking to take these opportunities away?

7.) Closing a vast area such as this will simply leave it open to the renegades that abuse the land. The responsible, caring user will obey the closure. Hence, if there are really any current abuse problems existing, they will continue, if not increase. This closure will be unenforceable.

8.) This is likely the most important point. This is public owned, "Multiple-Use" land. This area, as with any public owned land, should managed for the people, not from the people.

Please keep these thoughts in mind when you are considering whether to support or oppose this bill. Are the recreationalists and miners really hurting any thing? Aren't the people and their well being worth preserving, or is keeping the desert sand free of tire tracks more important? Is keeping mining companies out of the desert good for the owners of this land? How about the families of these miners and businesses that would certainly be shut down? Please, help to preserve a way of life and protect our citizens and their jobs. Oppose S21. Introduce legislation designed to see to it that this land is protected for the people, not from them.

Respectfully,

Preston Stevens

PRESTON STEVENS
Director of Environmental Affairs

TREAD LIGHTLY!
ON PUBLIC AND PRIVATE LAND

Defenders
OF WILDLIFE

The Honorable Bruce Vento, Chairman
Subcommittee on National Parks, Forests and Public Lands
House Committee on Natural Resources
812 O'Neill House Office Building
Washington, DC 20515-6207

March 1, 1993

Dear Mr. Chairman:

Please support, co-sponsor, and work for prompt enactment of H.R. 518, Representatives George Miller's and Rick Lehman's excellent California Desert Protection Act.

H.R. 518 would establish a new Mojave National Park, as well as expand the existing Death Valley and Joshua Tree National Monuments and redesignate them as national parks. H.R. 518 would also designate 4.1 million acres of Bureau of Land Management (BLM) lands within the National Wilderness Preservation System.

H.R. 518 is necessary and appropriate legislation. It is necessary because BLM has a chronic record of not adequately protecting fragile and significant desert habitats. One egregious example of this BLM mismanagement has been the continuing decline of desert tortoise populations which resulted in listings under both the federal and state endangered species laws. In addition, several GAO reports have exposed BLM's repeated failures to implement promised desert conservation measures, particularly those included within the 1980 Desert Plan.

As described in the attached Sacramento Bee editorial, H.R. 518 is appropriate because it balances the needs of the military, miners, utilities, ranchers, and off-road vehicle recreationists. It is also appropriate because there is overwhelming public support for more effective desert conservation. A statewide public opinion poll indicated that 75% of Californians support stronger desert protection. Fifteen California counties have endorsed this legislation, representing almost two-thirds of California's population. Enactment of H.R. 518 would implement the position of the vast majority of Californians who want effective protection for desert species and habitats.

Again, please actively support H.R. 518.

Thank you very much for your consideration.

Sincerely,

Richard Spotts
California Representative
Defenders of Wildlife

Enclosure

CALIFORNIA OFFICE: 1228 N ST., SUITE #6, SACRAMENTO, CA 95814 • (916) 442-6386 • FAX: (916) 442-6389
NATIONAL OFFICE: 1244 NINETEENTH ST., NW • WASHINGTON, DC 20036 • (202) 659-9510 • FAX: (202) 833-3349

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page B4

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Preserving the desert

Following in the footsteps of Alan Cranston, her predecessor as California's senior senator, Dianne Feinstein is sponsoring legislation designed to protect one of California's most fragile natural assets: the desert.

Cranston's efforts to pass such a bill were stymied for six years by resistance from the White House (and former Sens. Pete Wilson and John Seymour), but Feinstein is blessed with a much more favorable political atmosphere, including a fellow senator, Barbara Boxer, who is a co-sponsor. That's good news for the desert.

The bill, known as the California Desert Protection Act (S 21), would designate 4 million essentially undeveloped acres, now administered by the Bureau of Land Management, as wilderness areas, ensuring that they will remain that way for posterity. It would also create national parks at three sites that are now national monuments: Death Valley, Joshua Tree and Mojave.

By creating that new designation, jurisdiction would be transferred from the BLM, which administers land for a variety of commercial and public purposes, to the National Park Service, which has a more strictly preservationist mandate. In addition, those sites would be expanded by a cumulative 3 million acres (which are already public land).

Critics of the act claim it will cost many desert residents their jobs. That's unlikely because the act strikes a good balance between protecting the environment and the region's economy. It includes provisions that would allow livestock grazing to continue for 25 years in the Mojave, permit certain mining operations to remain (such as the one run by the Viceroy Gold Corp., where more than 200 people are employed), and allow continued military use of China Lake Naval Weapons Center and Chocolate Mountain Aerial Gunnery Range. It would not restrict low-level overflights of military aircraft. Hunting would be no more restricted than it is under existing state regulations.

Rep. Richard Lehman of Fresno has introduced legislation nearly identical to Feinstein's in the House of Representatives. Secretary of the Interior Bruce Babbitt, who is expected to visit the desert in the coming weeks, has indicated he will support the bills. He also indicated his intention to put more money into the operation of America's national parks. It looks, therefore, like one of California's treasures will at last get the protection it deserves.

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ROBERT P WILL
JEROME C MUYS
GREGORY M PENSABENE

GEORGE WILLIAM SHERK
OF COUNSEL
ADMITTED IN COLORADO

PETER CARLSON
LEGISLATIVE SPECIALIST

July 9, 1993

The Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks,
Forests, and Public Lands
A812 O'Neill House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The Metropolitan Water District of Southern California wishes to submit the following comments on H.R. 518, the California Desert Protection Act, and ask that they be made a part of the record of your hearings on this bill.

The Metropolitan Water District operates an aqueduct and related facilities in the desert area. The Colorado River Aqueduct reaches 242 miles across the desert from Parker Dam on the Colorado River past the City of Palm Springs into the coastal plain of Southern California. Portions of its aqueduct, electric power transmission and communication lines, and other facilities were included in the original proposals designated as wilderness and as national park.

During House consideration of H.R. 2929 in the 102d Congress, Metropolitan worked with the Interior and Insular Affairs Committee and the principal sponsor, Rep. Mel Levine, to exclude the aqueduct system from the wilderness and park areas in the Act. These changes were included on the maps used by the House Committee when it acted, and resulted in complete exclusion of all Metropolitan properties and facilities from the wilderness and park areas with the exception of those in the Coxcomb Mountain area of the proposed Joshua Tree National Park. In that area, certain aqueduct, power transmission, and communication facilities were included within the proposed park boundaries but excluded from proposed wilderness areas. Metropolitan also agreed to abandon three properties used as borrow and spoil areas within the proposed park were H.R. 2929 enacted.

In order to protect Metropolitan within the proposed national park areas, the House included protective language in Section 306

of H.R. 2929 maintaining Metropolitan's property rights and operational capability as well as direction to the National Park Service to cooperate with Metropolitan in providing emergency access to Metropolitan's properties.

In view of these actions by the House Committee, Metropolitan removed its objections to H.R. 2929.

H.R. 518 at Section 306 includes the language accepted by the House during the 102d Congress and we are advised that the maps referenced in H.R. 518 will reflect the changes adopted on the maps used for H.R. 2929 with respect to Metropolitan's properties.

Under these circumstances Metropolitan has no objection to H.R. 518.

Maps identifying Metropolitan's properties are available in my office should your committee desire further information.

Thank you for your consideration.

Sincerely,

Robert P. Will
for the Metropolitan Water
District of Southern California

cc: Honorable James V. Hansen
Ranking Minority Member

City of Los Angeles
California

JAMES F SEELEY
FEDERAL LEGISLATIVE REPRESENTATIVE
(202) 347-0915

1301 PENNSYLVANIA AVE NW
SUITE 502
WASHINGTON DC 20004
TELEX NLCUSCM 89-2547
FAX NO (202) 347-0919

June 7, 1993

The Honorable Bruce F. Vento
House of Representatives
Rayburn House Office Bldg., Rm. 2304
Washington, D. C. 20515-2304

Dear Mr. Vento:

I am writing on behalf of the City of Los Angeles to let you know of our support for S.21 and H.R. 518, the California Desert Protection Act (Act) introduced by Senator Feinstein and Congressman Lehman, respectively. The City supports this legislation because it provides permanent protection for environmentally sensitive areas, preserves areas of unique natural beauty for future generations to enjoy, allows for multiple recreational opportunities, and safeguards the City's vital utility corridors.

Enclosed is a certified copy of the City Council's official action to support the Act as well as the remarks of City Councilwoman Ruth Galanter before the Senate Subcommittee on Public Lands, National Parks and Forests. I urge you to give careful consideration to the merits of this legislation and to support its swift passage.

Sincerely,

James F. Seeley

Enclosures
JFS/agb

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries relative to this matter refer to File No.

93-0002-S74

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - 485-5703
General Informatioo - 485-5705

Pat Letcher
Chief Legislative Assistant

April 29, 1993

RE: CITY SUPPORT OF S. 21 (FEINSTEIN) AND H.R. 518 (LEHMAN), THE CALIFORNIA DESERT PROTECTION ACT

I HEREBY CERTIFY that the attached motion (Galanter - Braude), was adopted by the Los Angeles City Council at its meeting held April 27, 1993.

ELIAS MARTINEZ, CITY CLERK

By Carmen Montgomery
Deputy

crm

M O T I O N

The California desert is a unique place. It is a home to a growing number of threatened or endangered plant and animal species, including our State reptile, the desert tortoise.

The increasing urbanization of Southern California requires that we both protect the desert's environmental riches and provide increased recreational and leisure opportunities for our residents and visitors alike.

It is imperative that the California desert be protected and preserved in such a way as to balance the often competing needs and desires of the various concerned interests. Those interests include the protection of existing and future utility corridors as well as the Los Angeles Aqueduct System, which are the lifelines to Los Angeles that bring in the electricity and other essential utility services that serve our homes, schools, and businesses.

S. 21 (Feinstein) and H.R. 518 (Lehman) would achieve multiple goals by establishing new national parks and new wilderness areas, while allowing the current multiple uses of the desert to continue in a manner that is protective of the environment, respectful of the local economy, and mindful of the need to assure Southern California access to sources of important natural resources and energy.

I THEREFORE MOVE that the City support S. 21 (Feinstein) and H.R. 518 (Lehman), the California Desert Protection Act, as part of its 1993-94 Federal Legislative Program.

PRESENTED BY: GALANTER

SECONDED BY: BRAUDE

[illegible] ON NEXT [illegible] TO BE POSTED APR 20 1993

TESTIMONY OF
LOS ANGELES CITY COUNCILWOMAN RUTH GALANTER
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
OF THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON

S. 21, THE CALIFORNIA DESERT PROTECTION ACT

Good afternoon Mr. Chairman and members of the subcommittee, my name is Ruth Galanter. I am a member of the Los Angeles City Council and I chair the Council's Environmental Quality Committee. It's a pleasure for me to testify today on behalf of the City in support of S. 21, the California Desert Protection Act.

We were very pleased when Senator Feinstein announced that this legislation was one of her top priorities, and she has acted quickly to fulfill that pledge. We are also very encouraged by the fact that, for the first time since former Senator Cranston introduced his original bill, both of our senators from California support this important legislation. It is my hope, and that of the City of Los Angeles, that Congress will swiftly approve these necessary and overdue protections for the California desert.

Mr. Chairman, the California desert has many unique characteristics. It is home to a growing number of threatened or endangered plant and animal species including our State Reptile, the desert tortoise. The increasing urbanization of southern California requires that we both protect the desert's environmental riches and provide increased recreational and leisure opportunities for our residents and visitors alike. This legislation will achieve both of those goals. It is also imperative that the desert be protected and preserved in a manner that balances the sometimes competing needs and desires of the variety of concerned interests. This legislation achieves that balance.

S. 21 provides the necessary level of protection by establishing new national parks at Joshua Tree, Death Valley, and in the east Mojave and by creating dozens of new wilderness areas. These designations will preserve the unique and pristine features of numerous locations throughout the region as well as protecting their often fragile ecosystems. These new parks and wilderness areas will provide vast new recreational, learning and aesthetic benefits for the people of Los Angeles to enjoy. In addition, the increased number of visitors who will travel to enjoy the area and the new national parks will provide increased revenues to the local economies. But even more importantly, these new parks and wilderness areas create permanent opportunities for current and future generations to experience these irreplaceable lands.

S. 21 also recognizes the current multiple uses of the desert. It allows these multiple uses to continue in a manner that is concurrently protective of the environment, respectful of the local economy, and mindful of the need to assure that southern California continues to have access to sources of vital natural resources and energy.

In this latter regard, Senator Feinstein has allowed for the protection of existing and future utility corridors as well as the Los Angeles Aqueduct System which runs adjacent to some of the designated areas. These utility corridors were established by the Bureau of Land Management after a long and careful process involving extensive review, negotiation, and input from the public and desert users. These corridors are the lifelines to Los Angeles that bring in the electricity and other essential utility services that light our homes, schools, and businesses. They provide the basis upon which Los Angeles and southern California can create new jobs and transform struggling defense and aerospace companies into exciting new industries.

Mr. Chairman, with your permission, I would like to enter into the written record of this hearing a more detailed description and analysis of the agreements and provisions which have been made with regard to the City's water and power concerns.

All of us who support permanent protection for the California desert are very pleased with the prospects of enactment of this legislation during this Congress. As you aware, Congressman Lehman has introduced a companion bill, HR 518, in the House and we are hopeful that his bill will also be considered in the near future.

Mr. Chairman, I appreciate the opportunity to provide the subcommittee with this testimony. We believe this matter to be of utmost importance and deserving of swift action. On behalf of the City of Los Angeles, I urge you and your colleagues to approve S. 21. Thank you.

CITY OFFICES:
6136 ADOBE ROAD
P.O. BOX 995
TWENTYNINE PALMS, CA 92277
(619) 367-6799
(619) 367-4890 (FAX)

COUNCIL MEMBERS
Lester W. Krushat, Mayor
Elizabeth H. "Liz" Meyer, Mayor Pro Tem
Jim Bagley
Charles W. "Chuck" Bell
Christopher J. Dobler

CITY MANAGER
Jim Hart

June 10, 1993

Mr. Vento, Chairman
National Parks, Forests
and Public Lands
O'Neill Building
Room 812
Washington D.C. 20515

Dear Mr. Vento:

The City of Twentynine Palms has gone on record in strong opposition to Senate Bill 21 and HR 518 currently being considered before Congress. The City of Twentynine Palms requests that no further action be taken on this legislation until the sponsors have held Congressional Field Hearings in the California Desert, and until meetings with locally elected officials on the issues have been arranged.

This is a bad piece of legislation drafted without the counsel of local government and directly affected communities. The economic loss and termination of jobs with these bill are unacceptable.

Please take the issues in our Resolution 93-03 to the committee while this bill is being heard. We are requesting you call for field hearings and meetings with locally elected officials before this legislation is carried to the full Congress. A piece of legislation of this magnitude deserves this consideration.

Sincerely,

Lester W. Krushat

Lester Krushat
Mayor

JB:alb:dsrt.ltr
Attach.

CERTIFIED COPY

RESOLUTION NO. 93-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, IN STRONG OPPOSITION TO BILL S-21 AND HR-518

WHEREAS, Senate Bill 21 as introduced by Senator Diane Feinstein, and H.R. 518 as introduced by Congressman Richard H. Lehman, would lock up over 8,500,000 acres of federal, state, and private lands for the permanent creation of wilderness and park service withdrawal in the California Desert without due process through the inclusion of public comment and intensive environmental and economic review.

WHEREAS, Senate Bill 21 and H.R. 518 would end the fair and balanced management of public lands under the historic policies of Multiple Use, ending access to the culturally diverse heritage of the full spectrum of public access to public lands on the California Desert.

WHEREAS, Senate Bill 21 and H.R. 518 would impose severe negative impacts to already faltering economies of the California Desert cities and counties through the elimination of jobs with the permanent termination of mining, livestock grazing, historic recreational access, and the taking of hundreds of thousands of acres from private property owners through implementation.

WHEREAS, Senate Bill 21 and H.R. 518 contains exclusive water rights reservations detrimental to local and regional water needs for the express maintenance of created wilderness areas without regard to present and future human and environmental requirements.

WHEREAS, the proponents and authors of Senate Bill 21 and H.R. 518 have not sought or requested the counsel of local desert city or county governments regarding the impacts and enormous ramifications of this legislative imposition on the desert economy, it's human inhabitants, and historic character.

WHEREAS, the sponsors of Senate Bill 21 and H.R. 518 have not conducted field hearings in the desert communities directly affected by this legislation, have not traveled to the California Desert to meet with local government leaders and interested citizens, have not specifically toured areas with constituents facing economic losses and the permanent termination of multi-generational access to our public lands.

WHEREAS, Senate Bill 21 and H.R. 518 are blatant attempts to undermine the 17 years of open public process, formal public hearings, volumes of written public comment, objective environmental assessment, and millions of tax payer dollars expended to create a fair and balanced management plan under the Congressionally mandated original California Desert Conservation Area Act.

WHEREAS, Senate Bill 21 and H.R. 518 are conservatively estimated to add a minimum of $610 million to the federal debt, and the costs to local economies and the State of California are calculated in the billions. These Bills are considered fiscally detrimental to the economic recovery of our Nation, the State of California, and the California Desert counties and cities.

NOW IT THEREFORE BE RESOLVED THAT

Section One. The City Council of Twentynine Palms is adamantly opposed to Senate Bill 21 and H.R. 518 or any other attempt at California Desert legislation that does not allow for the inclusion of local government participation and extensive open public process by all interested persons and affected parties.

Section Two. Copies of this resolution shall be sent by the City Clerk to; the President of the United States, the Governor of the State of California, the State of California's two elected Senators, the City's elected member of the United States House of Representatives, the Honorable Jerry Lewis, Congressman Al McCandless of Riverside County, the Secretary of the Interior, the Director of the Bureau of Land Management, every member of the U.S. Senate Energy and Natural Resources Committee and the House of Representatives Natural Resources Committee, and to each member of any committee or the full Congress that takes these bills into consideration, Senator Bill Leonard, State Assemblyman Paul Woodruff, to each of San Bernardino County's Supervisors, to each of the city councils in the Mountain Desert Division of the California League of Cities, the Board of Directors of the League of California Cities, and copies with a general press release be sent to all local, county, and selected state and national media.

APPROVED and ADOPTED this 6th day of February, 1993.

Lidora Krushat

MAYOR

ATTEST:

Margaret Y. Roberts

CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Twentynine Palms at a special meeting thereof, held 6th day of February, 1993, by the following vote of the Council:

AYES:	Councilmembers:	Bagley, Bell, Dobler, Meyer, Krushat
NOES:	Councilmembers:	Ø
ABSENT:	Councilmembers:	Ø

Margaret Y. Roberts

CITY CLERK

Twentynine Palms Chamber of Commerce

Office: 6136 Adobe Road,
Twentynine Palms, CA 92277
(619) 367-3445

TWENTYNINE PALMS CHAMBER OF COMMERCE
Opposition to S 21 and HR 518

WHEREAS, Senate Bill 21 Diane Feinstein, and HR 518 as introduced by Congressman Richard Lehman, would lock up 8,500,000 acres of federal, state and private lands for the creation of wilderness in the California Desert, and

WHEREAS, SB 21 and HR 518 would end the historic multiple use of public lands and eradicate a way of life that reflects the heritage of America, and

WHEREAS, SB 21 and HR 518 would impose severe negative impacts on the economy of the state of California, Cities, and Counties during a time of severe financial crisis and eliminate desperately needed jobs in the mining, cattle, recreational and tounst industries, and

WHEREAS, SB 21 and HR 518 would be taking thousands of acres from private property owners and incur a cost to the taxpayers topping hundreds of millions of dollars when the federal government can least afford this debt, and

WHEREAS, SB 21 and HR 518 contain detrimental exclusions of water rights without regard to present and future human and environmental needs, and

WHEREAS, SB 21 and HR 518 proponents have not considered the desires or impacts of this legislation on residents, local or county economies, the history of the area or an established way of life, and

WHEREAS, SB 21 and HR 518 authors and sponsors have not conducted field hearings in the desert communities directly affected by this legislation, have not met with local residents and government officials, and have not met with those who face the loss of jobs and homes in the California Desert, and

WHEREAS, SB 21 and HR 518 undermine the will and desire of the people that was established under the original California Desert Conservation Area Act, and

WHEREAS, SB 21 and HR 518 would reduce and eventually end the ability to mine current claims and explore new areas that provide minerals essential to national defense and medical research that can be found only in the California Desert, and

WHEREAS, both SB 21 and HR 518 are considered detrimental to the economic recovery of our local, state, and federal government, and

WHEREAS, SB 21 and HR 518 does not take into consideration the city, county, and state officials who strongly oppose this legislation nor the overwhelming opposition from the public at large;

APPROVED AND ADOPTED ON 23 DAY OF JANUARY, 1993.

PRESIDENT

NOW THEREFORE BE IT RESOVED THAT;

The Twentynine Palms Chamber of Commerce vehemently opposes Senate Bill 21 and HR 518 or any other legislation that further destroys the economy, current and future job base, and locks the people out of land that is rightfully theirs to enjoy under the current conservation plan.

Copies of this resolution shall be sent to:
President Bill Clinton
Senator Feinstein
Senator Boxer
Congressman Lewis
Congressman McCandles
Secretary of the Interior
House of Representatives Resource Committee
Governor Pete Wilson
Senator Bill Leonard
Assemblyman Paul Woodruff
Any Committee that takes these bills into consideration
California Chamber of Commerce
City of Twentynine Palms

SENATOR BEN NIGHTHORSE CAMPBELL

Desert/Mountain Division

ADELANTO
APPLE VALLEY
BARSTOW
BIG BEAR LAKE
BISHOP
CALIFORNIA CITY
HESPERIA
LANCASTER
MAMMOTH LAKES
NEEDLES
PALMDALE
RIDGECREST
TWENTYNINE PALMS
VICTORVILLE
YUCCA VALLEY

League of California Cities

June 10, 1993

Bruce Vento
Congressman
2304 Rayburn House Office Bldg.
Washington D.C. 20515

Dear Congressman Vento:

To introduce myself, I am the Mayor of the City of Barstow and I am the President of the Desert/Mountain Division of the League of California Cities. The Desert/Mountain Division covers fifteen cities, generally bounded on the South by Big Bear, on the West by Lancaster/Palmdale, on the East by Needles, and on the North by Mammoth Lakes.

At the May 28, 1993, general meeting of the Desert/Mountain Division of the League of California Citites a resolution in strong opposition to S-21 and HR 518 was adopted.

The Division is most anxious that the authors of this bill meet with representatives of the Division in regards to the bill. Elected officials effected by the bill feel that their input has not been asked for nor received. We, as local officials, live here each day and must answer numerous inquiries on a regular basis about this matter.

It is the opinion of the local elected officials that the authors of the bill should come to the area, meet with local officials and conduct public hearings for those who live in the area. Public hearings in the past have been nothing more than media events and usually seem to be for the purpose of allowing demonstrations from those who did not live in the area.

The Desert/Mountain Division of the League of California Cities respectfully requests that strong consideration be given to meeting with local elected officials and hearings be conducted before this legislation is carried to the full Congress. Legislation of this magnitude deserves much more consideration than it thus far has received. It is the local officials who must stand eye to eye with those who will loose jobs because of this bill, with those whose families will be uprooted and displaced, and with those whose lives will be changed forever. As an

example, families who have had cattle ranches in the area for over 100 years will be displaced. This is grossly unfair.

Your kind consideration in this matter is appreciated.

Sincerely,

MAL WESSEL
Mayor, City of Barstow
President, Desert/Mountain Division
League of California Cities

MW:tc

RESOLUTION NO.

A RESOLUTION OF THE DESERT/MOUNTAIN DIVISION OF THE LEAGUE OF CALIFORNIA CITIES IN STRONG OPPOSITION TO BILLS #S-21 AND #HR-518.

WHEREAS, Senate Bill 21 as introduced by Senator Diane Feinstein, and H.R. 518 as introduced by Congressman Richard H. Lehman, would lock up over 8,500,000 acres of federal, state, and private lands for the permanent creation of wilderness and park service withdrawal in the California Desert without due process through the inclusion of public comment and intensive environmental and economic review.

WHEREAS, Senate Bill 21 and H.R. 518 would end the fair and balanced management of public lands under the historic policies of Multiple Use, ending access to the culturally diverse heritage of the full spectrum of public access to public lands on the California Desert.

WHEREAS, Senate Bill 21 and H.R. 518 would impose severe negative impacts to already faltering economies of the California Desert cities and counties through the elimination of jobs with the permanent termination of mining, livestock grazing, historic recreational access, and the taking of hundreds of thousands of acres from private property owners through implementation.

WHEREAS, Senate Bill 21 and H.R. 518 contains exclusive water rights reservations detrimental to local and regional water needs for the express maintenance of created wilderness areas without regard to present and future human and environmental requirements.

WHEREAS, the proponents and authors of Senate Bill 21 and H.R. 518 have not sought or requested the counsel of local desert city or county governments regarding the impacts and enormous ramifications of this legislative imposition on the desert economy, it's human inhabitants, and historic character.

WHEREAS, the sponsors of Senate Bill 21 and H.R. 518 have not conducted field hearings in the desert communities directly affected by this legislation, have not traveled to the California Desert to meet with local government leaders and interested citizens, have not specifically toured areas with constituents facing economic losses and the permanent termination of multi-generational access to our public lands.

WHEREAS, Senate Bill 21 and H.R. 518 are blatant attempts to undermine the 17 years of open public process, formal public hearings, volumes of written public comment, objective environmental assessment, and millions of tax payer dollars expended to create a fair and balanced management plan under the Congressionally mandated original California Desert Conservation Area Act.

WHEREAS, Senate Bill 21 and H.R. 518 are conservatively estimated to add a minimum of $610 million to the federal debt, and the costs to local economies and the State of California are calculated in the billions. These Bills are considered fiscally detrimental to the economic recovery of our Nation, the State of California, and the California Desert counties and cities.

NOW IT IS THEREFORE RESOLVED THAT:

Section One. The Desert/Mountain Division of the League of California Cities is adamantly opposed to SB21, HR 518 or any other attempt at California Desert legislation that does not allow for the inclusion of local government participation and extensive open due process by all interested persons and affected parties.

Section Two. Copies of this resolution shall be sent by the League Staff to the President of the United States, the Governor of the State of California, the State of California's two elected Senators, to each city's elected member of the United States House of Representatives, each city's elected Assmelby and State Senate representatives, each city's county supervisor, the Secretary of the Interior, the Director of the Bureau of Land Management, every member of the U.S. Senate Energy and Natural Resources Committee, and to each member of any committee or the full Congress that takes these bills into consideration, the Board of Directors of the League of California Cities and copies with a general press release to be sent to all local, county, and selected state and national media.

DISTRICT 1
WAYNE J. VAN DE GRAAFF
923 HEFFERNAN AVE., CALEXICO, CA 92231

DISTRICT 2
BILL COLE
836 W. MAIN ST., EL CENTRO, CA 92243

DISTRICT 3
DEAN A. SHORES
940 W. MAIN ST., SUITE 212, EL CENTRO, CA 92243

DISTRICT 4
BRAD LUCKEY
P.O. BOX 1271, BRAWLEY, CA 92227

DISTRICT 5
SAM SHARP
660 OLIVE AVE., HOLTVILLE, CA 92250

Board of Supervisors
County of Imperial

LINDA K. WEAVER
CLERK OF THE BOARD

COUNTY ADMINISTRATION CENTER
940 W. MAIN STREET, #212
EL CENTRO, CA 92243-2871
TELEPHONE: (619) 339-4220

FAX: (619) 352-7876

June 9, 1993

Honorable Bruce F Vento
U. S. Congressman
Rayburn Building, Room 2304
Washington, DC 20510

SUBJECT: DESERT PROTECTION ACT

Dear Congressman Vento:

This letter is intended to give you a brief synopsis of the reasons the Imperial County Board of Supervisors opposes the Desert Protection Act. This Act would place over 2.2 million acres in California and 290,000 acres in Imperial County into a wilderness area. The Imperial County Board of Supervisors is opposed to this bill until public hearings are held in Imperial County and a complete analysis of the environmental and economic impacts are fully documented and provided to the public.

The Imperial County Board of Supervisors is opposed to the Desert Protection Act for the following reasons:

1. Lack of local input in the development process.
2. Prohibits access to vital public agency services.
3. Creates economic disaster for the County.
4. Creates substantial economic burden for the federal government unnecessarily.
5. Ignores professional input from federal agencies.

A further discussion of each concern is herein provided.

1. Lack of Local Input in the Development Process

None of the sponsoring legislators, Senator Cranston, Senator Feinstein, Senator Boxer or Congressman Lehman have ever held a public hearing here in Imperial County concerning the impact of their legislation on this community. It is absolutely unconscionable that a County

that would lose over 290,000 acres of land to this Act and not have the benefit of a single visit from any of the sponsoring legislators. The federal government has already expended a substantial amount of money for the Bureau of Land Management (BLM) to design an effective desert utilization plan. In the development of its plan the BLM held extensive public hearings both here in Imperial County and throughout the region to receive and take into consideration local resident concerns. That has not been the case with this Act.

2. Prohibits Access to Vital Public Agency Services

This legislation would preclude access to over 290,000 acres by federal, state and local law enforcement agencies. Imperial County borders the Republic of Mexico and many of the areas to be closed are routinely used by criminal elements for illegal immigration and drug trafficking. Obviously these elements will not stop utilizing these areas simply because they are designated wilderness areas. In fact, you can expect significant increases in activity because law enforcement agencies will be prohibited from entering these areas. It simply doesn't make sense.

The africanized honey bee will be arriving in California next year and it is critically important that access be available to those who can trap and control these dangerous pests. There are likewise many other pests that cannot be allowed to multiply in a protected area which resides in the middle of one of the Country's most productive agricultural areas.

Wildlife management personnel must have access to maintain water sources for a wide variety of animal life that were cut off from such water by the construction of the Coachella Canal. These water sources are critical to the survival of such animals as big horn sheep and mule deer.

The desert region is extremely hostile with summer temperatures exceeding 115 degrees. The mean temperature high is 89.6 degrees and rescue efforts in this environment are critical and access for these purposes must be provided.

3. Creates an Economic Disaster for the County

The inclusion of the South Algodones Dunes in the Act will have disastrous economic impacts on the County. The County of Imperial has a 25% unemployment rate and the lowest per capita income of all the 58 counties in California. The dunes attract literally tens of thousands of people from throughout Southern California who wish to recreate in this area. These "tourists" generate millions of dollars for the local economy. These particular 61,000 acres have been used for recreational purposes for decades. It appears a bit ludicrous to assume that simple passage of legislation will somehow automatically make this area a "wilderness area."

4. Creates a Substantial Economic Burden for the Federal Government Unnecessarily

The passage of this legislation without millions of dollars of appropriations for personnel to control this area will render the Act useless. The Bureau of Land Management (BLM) is already grossly understaffed to perform its existing duties. The passage of this legislation will mandate BLM or some other federal agency to add to its inventory of responsibility some 2.2 million acres. It is estimated that the cost to the federal government to fully implement this legislation will be between $422 to $742 million based on analysis done by the California Desert Coalition. This will require the federal government to appropriate substantial federal dollars at a time when Congress is struggling with a spiraling federal deficit. Again, it seems ludricous that an economic impact study was not performed to clearly identify these sorts of impacts.

5. Ignores Professional Input of Federal Agencies

It would appear that good public policy would be to encourage and to solicit objective points of view from those federal agencies that will be most affected by this legislation. The Bureau of Land Management, Customs Service, Drug Enforcement Administration, Agriculture Department, U.S. Fish and Game Service, Immigration and Naturalization Service, Federal Bureau of Investigation, and Department of Navy are some of the critical federal agencies that should express their concern with this proposed legislation. To ignore their professional input results in an injustice to the public.

May 28, 1993
Desert Protection Act

In closing, the Imperial County Board of Supervisors is dearly concerned with preserving our desert. The Board is not opposed to land use controls and exclusion of some areas as wilderness. However, the process to decide these controls and exclusions should include a wide array of opportunities for local concerns to be heard and considered. At a minimum, public hearings should be held here in Imperial County and a complete analysis of environmental and economic impacts should be provided to all interested people.

The County has developed significant documentation with regard to its concerns but for reasons of brevity that documentation is not included here. If you wish further data please feel free to contact Mr. Richard Inman, County Administrative Officer, at the above address.

Respectfully submitted,

Wayne J. Van De Graaff, Chairman
Board of Supervisors
County of Imperial

[illegible]

4

California State Senate

SENATOR
DON ROGERS
Seventeenth Senatorial District

COMMITTEES:
VETERANS AFFAIRS
CHAIR
AGRICULTURE AND WATER RESOURCES
INSURANCE, CLAIMS AND CORPORATIONS
NATURAL RESOURCES AND WILDLIFE
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RURAL CAUCUS

PLEASE RESPOND TO
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FAX 805-266-1237
☐ P.O. BOX 803
RIDGECREST, CA 93556-0803
619-384-2515

July 8, 1993

Honorable Congressman Bruce G. Vento
Chairman, Subcommittee on National Parks,
Forests and Public Lands
O'Neill Building, Room 812
Washington, D.C. 20515

Dear Congressman Vento:

As you know, there are several bills now pending in the United States Senate and the House of Representatives that would significantly impact California desert lands. They are S 21, HR 518 and HR 2379.

Before any further legislative action is taken on these measures, it is vital that on-site hearings be held and the views of impacted communities, businesses and other local interests be heard and made a matter of official record. With California's present severe economic and job situation, further aggravated by massive Department of Defense base closures, extreme care must be taken not to further weaken the state's economic health.

While most respect and desire to preserve our priceless desert environment, there is no immediate danger that would force a rush to "lock up" seven million acres of desert land. Prudent enforcement of current rules and regulations will protect native flora and fauna. This is far too important an issue not to take the necessary time to carefully and fully explore all aspects of the proposed action.

Therefore, I respectfully request that sponsors and staff of the proposed measures travel to the desert sites to receive and consider the views of local citizens. I ask for a favorable decision on this request. Thank you.

Sincerely,

DON ROGERS

DAR:llm

cc: Jim Bagley, Councilmember
City of Twentynine Palms

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104

June 24, 1993

Hon. Bruce Vento, Chairman
Subcommittee on National Parks and Public Lands
U.S. House of Representatives
Washington, D.C. 20515
re: California Desert Protection Act (H.R. 518)

Dear Mr. Chairman:

On behalf of our 15,000 local members who live adjacent to the California desert I want to thank you for your unswerving support of real protection for California's desert wildlands. I have worked on desert issues generally for 16 years now and on behalf of this bill since its original introduction in Congress in 1986. I have also volunteered as a monitor for the BLM's El Centro Resource office.

Over the years I have discussed and debated the many issues with government land managers and many user groups, at public forums, congressional hearings and in the media. some concerns expressed have been very legitimate and almost all reasonable ones have already been addressed in the bill's many reincarnations since 1986. Total acreage has been reduced by hundreds of thousands of acres; boundaries redrawn; wilderness study areas dropped; cherrystemmed roads into wilderness included; and protective language added for the military.

With the newest round of House hearings now concluded and markup later this summer, we are aware that there will be pressure for further "compromise" from some quarters. In point of fact, H.R. 518 (and S.21) are compromise documents at this stage; we are at the point now where further significant concessions could endanger the integrity of the legislation and the purposes for which it was originally crafted. Diehard opponents have never been, and will never be, satisfied with any concessions short of an emasculated or badly watered-down sham version of real desert protection.

Opinion polls and the weight of editorial positions in California squarely stand for a strong bill, notwithstanding the loud protests of well-organized but relatively small single interest groups.

We beseech you to hold the line and use your influence to create a new Mojave National Park/Monument without any sporthunting as part of a larger, comprehensive bill devoid of false compromises which weaken its vision.

Again, please accept our gratitude for your past efforts.

Very Truly Yours,

H. Nick Ervin, Chair
Conservation Committee

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PUBLIC LANDS FOUNDATION
For America's Heritage

Public Lands Foundation
P.O. Box 10403 McLean, Virginia 22102

June 24, 1993

National Parks, Forests and Public Lands Subcommittee
Chairman Bruce Vento
812 House Annex 1
Washington, DC 20515

Dear Chairman Vento,

The membership of the Public Lands Foundation (PLF) is composed of retired Bureau of Land Management (BLM) career professional employees, many having worked with managing the public land and resources of the California Desert. Therefore the Foundation is uniquely qualified to judge the proposed legislation (H.R.518) California Desert Protection Act of 1993.

We agree there is need for increased management and protection of the public land resources of the California Desert. But as with most issues there are different alternatives and options to achieving this need in a way that best serves our Nation. The PLF's knowledge of this area suggests there are wilderness resources needing designation for BLM management and areas of public lands adjacent to the Joshua Tree and Death Valley Monuments that should be added to those units of the park system. There is little justification to establish the East Mojave as a new unit under administration of the National Park Service (NPS). The many exceptions that have been made for this proposed new unit in and of itself illustrates the resources are not best suited to the preservation objectives of the National Park Service and the public expectations.

Congress established the California Desert Conservation Area under FLPMA. But those that advocate this legislation made this proposal prior to the development and approval of the California Desert Plan. This proposed legislation still represents a single mind-set of a few who originated the idea in the 1970's. But many things have changed in the BLM management of the California Desert, mostly for the good. New management authorities and responsibilities as well as attitude changes by managing personnel have been important. The dedicated conservation philosophy of the on-the-ground employees is without question. An examination of the many actions taken by BLM to better manage and protect these lands substantiates this fact. The BLM has developed a professional staff of the many and varied skills needed to manage and protect these public lands. We believe the improvements of the plan through the FLPMA procedures is a justifiable way to meet any added objectives. Everyone knows that

additional management resources of dollars and manpower are needed to do a better job of managing the demands of the using public. We can expect that fewer additional management dollars will be needed for more intensive BLM management because of established administrative infrastructure, than would be necessary for the Park Service to establish an entirely new unit and separate administration in the area. To further fragment an already difficult land management pattern into multiple agencies just adds to increased costs and duplicated federal efforts within the area.

In recent testimony before your full House Committee on Natural Resources, Secretary Babbitt stated that BLM can also manage high recreation valued and sensitive lands and such land does not always have to be transferred to the Park Service. He also stated that BLM has done a creditable job in the management of the California Desert lands. We think this is especially noteworthy in light of the stingy budgetary allocations that both the Executive and Legislative branches have authorized for BLM.

One of the biggest criticisms of the current situation is that the areas proposed for the park system cannot tolerate the indiscriminate and damaging activities that can and do occur under the non-discretionary provisions of the existing mining law. We agree with this! Reform of the mining law for the benefit of managing all public lands, many that have equal or greater public values to those in the California Desert, is what is really needed. Congress must get the political courage to enact such reform! The PLF encourages and has actively contributed to reform legislation. Withdrawing the East Mojave area until such reform is enacted would provide the needed protection under our recommendation.

The PLF feels there are many areas of the California Desert that should be designated as Wilderness. Although this legislative proposal is excessive in this regard, the important thing at this phase of the legislative process is to do some fine tuning of selected boundaries. This will have tremendous public benefits both in terms of protecting the integrity of the wilderness values but also the savings of millions of dollars in long-term management costs. Some of the proposed boundaries are nearly impossible to administer and meet the objectives of the Wildness Act. This fine tuning would improve boundary identification for the using public and eliminate expected future resource use conflicts. We fully expect that the on-the-ground managers would be more that willing to identify these needed adjustments.

The extensions of the proposed redesignated Death Valley National Park needs to be based on natural resource values and not political expediency. The expansions on the north and west split natural geographical and ecological areas and makes for near unmanageable boundaries and duplication in administrative presence by both BLM and NPS. Areas not included as a result of reduced additions could be designated as BLM

Wilderness thereby gaining the needed protection and eliminating the problems created by this legislation. It is our understanding the field managers for BLM and the NPS have identified such boundary adjustments.

The fragmented land ownership in this area reflects the historical public land disposal laws and policies. There are very large amounts of State and private lands and other property rights within this proposed legislation. We appreciate that some of these lands need to be acquired to manage the significant public resource values. But we all know, once a line is drawn on a map that delineates a park, tremendous pressures will be applied by advocates to acquire all the inholdings as a matter of principle, but who do not know the real nature of the specific resources involved. This leads us to one of the major concerns of this proposal--What is the total land acquisition costs? Preliminary estimates indicate they are very high. In addition, our experience shows that the total cost of acquiring such large amounts of private property, both in terms of the appraised value and also the administrative costs of the realty transactions are always much greater than the original advocates think. We see no reason why we should thrust on future generations the added tax burden when the situation can be handled with less cost if left under BLM management. This would allow BLM, under existing authority to consolidate lands of high public values, while leaving areas lacking significant public resource values to remain in private and State ownership with allowances for cooperative management arrangements.

Based on our members experiences, we are identifying the deficiencies in the land exchange provisions in this bill. The provisions allowing Catellus Corp. implied exchange rights and to select lands from anywhere in the United States will be fraught with the same problems that resulted in the statutory prohibition of interstate exchanges in existing authority. Questions were raised by Senators from other states on this provision at hearings on companion legislation in the Senate. The ability to select economically developable properties is a necessary incentive for inholders to pursue land exchanges. Department of the Interior managed lands, that meet disposal criteria, in the large quantities to meet the needs of this legislation will be most difficult to find. Past administrative as well as individually legislated exchanges demonstrate that tremendous objections can be expected from economic, political and public interest groups in the area where the selected land is located. In the end, we would expect little of Catellus Corporations desires to be satisfied, and then, only after lengthy and costly challenges through adininstrative and legal processes. The preferential land exchange provisions for both Catellus Corp., and their railroad land grant ownership, and the State of California lands, benefits the California State employees pension funds at the expense of the greater public interest. Additionally, this proposal requiring the Department to give priority to consolidating federal land ownership within the Parks

and Wilderness areas being designated in this legislation will have an alarming impact on current and future exchange/acquisition programs that benefit public land management throughout the West. We would expect a significant impact on the exchange program in California, which is primarily for the purpose of helping manage biodiversity for the preservation of threatened and endangered species.

We disagree with the windfall gain of transferring the entire 20,500 acres of public land to the State of California for expansion of the Red Rock Canyon State Park. It is our understanding that the State Parks plan for this area does not even identify the need for such additions to manage the park values. Existing authorities provide the means and criteria to make future land transfers to the State Park, if and when needed.

As a compromise solution, the PLF recommends this legislation be modified as follows:

1. Designate a significant portion of the East Mojave as a National Monument under BLM management with hunting allowed. This would permit hunting to continue in the area without jeopardy to the policy of no hunting in areas administered by the NPS.

2. Enlargement of the Death Valley NP should be restricted to the ecosystem in the area.

3. The State of California should use existing means to fulfill additional needs for the Red Rock Canyon State Park.

4. Make fine-tuning adjustments to wilderness boundaries to protect the integrity of the wilderness values and and provide manageability

5. Modify the exchange provisions to eliminate any implied rights to exchanges and permit some Department of the Interior discretion.

We see these recommendations as advantageous for overall efficiency in the Federal management of public lands in this area of California and provide creditable stewardship of these valued public lands. We ask that this letter be made part of the hearing record on this legislation.

Vincent J Hecker

Vincent J Hecker
Board of Directors
Public Lands Foundation
PO Box 10403
McLean, VA 22102

TO: Senate Committee on Energy and Natural Resources
House Subcommittee on National Parks, Forests & Public Lands

FROM: Bill Neill 714-577-2423
4900 Glenview, Anaheim CA 92807

Recipient of 1992 Conservation Award from California BLM Desert District Advisory Council

DATE: June 10, 1993

TOPIC: WHO WILL ENSURE QUALITY CONTROL IN THE CALIFORNIA DESERT PROTECTION ACT?

That the California Desert Protection Act is a sloppily crafted bargaining position was proved last year by Senator Cranston's willingness to drop one million unspecified acres in his negotiations with Senator Seymour. Although that bargaining position became outdated after the November election, the legislation sponsors have not since adjusted the wilderness boundaries to make them practical, enforceable, widely respected by the public, and conducive to wilderness exploration.

The Wilderness Act of 1964 was intended to prevent future road development in areas that are currently roadless. Nothing in the legislation suggests that it was designed to close established vehicle routes that have been administratively approved or marked on standard road maps. Certainly the Act was not intended to make wilderness effectively inaccessible to citizens who wish to visit and explore these remote natural areas.

Nonetheless, S.21/H.R.518 would close numerous established vehicle routes that either have been assigned BLM route numbers, are part of the BLM-approved East Mojave Heritage Trail, or are identified on published Auto Club county maps:

WILDERNESS STUDY AREA	ROUTE NAME	ASSIGNMENT
Saline Valley	Saline-Eureka corridor	BLM route F1792
Rodman Mountains	Box Canyon	BLM route OJ295
Eagle Mountains	Big Wash	BLM route J289
Orocopia Mountains	Red Canyon	BLM route SR2013
Turtle Mountains	Gary Wash	BLM route V493
Bright Star	Bright Star Road	BLM route SC431
Bristol Mountains	Budweiser Wash	Heritage Trail
Kingston Mountains	Kingston Wash	Heritage Trail
Piute Mountains	Fenner Pass	Heritage Trail
Old Woman Mtns	Sheep Camp Spring Access	Auto Club county map
Cady Mountains	Valley Center Road	Auto Club county map
Kelso Dunes	Bristol Mine Road	Auto Club county map
Riverside Mtns	Old Blythe-Vidal Road	Auto Club county map

Two of these vehicle routes deserve special comment:

* The 35-mile-long Saline-Eureka Corridor is utilized by naturalists and packbackers for access into the most remote part of the California desert. Wilderness advocates want this route closed in order to create the largest official wilderness area in the country--an arrogant and extremist goal that displays ignorance of the land, values wilderness mainly as a legal abstraction, and disregards the safety and convenience of future wilderness visitors.

  The Desert Protection Act would transfer the Saline Valley WSA to the National Park Service as part of Death Valley National Monument; yet wilderness boundaries in the proposed additions do not agree entirely with the Monument Superintendent's preferences. Regarding the Saline-Eureka Corridor, the Superintendent recognizes advantages to continued vehicle access, and would prefer to be granted management flexibility if the area is transferred to the Park Service.

* The 9-mile route through Box Canyon in the Rodman Mountains has an assigned BLM route number, is located on the Auto Club map of San Bernardino County, and is recommended for 4WD touring in the 1987 Sierra Club guidebook, Adventuring in the California Desert. What more is needed to prove its suitability for continued vehicle access?

  Vehicle travel down Box Canyon is infrequent and confined to a single track on a sloping sandy floor, so a leisurely drive through the canyon, with stops for local exploring, is an enjoyable, high-quality wilderness experience. Closing the route to vehicles would eliminate most if not all visitation, because only the central portion of the route is scenic, and the hike from either end would be repetitive and somewhat arduous, through relatively monotonous terrain.

All of these established vehicle routes could be retained with minimal reductions of total wilderness acreage by adding cherrystems or creating narrow corridors formed by subdividing WSA's into two wilderness areas that are both larger than the minimum size of 5,000 acres.

In addition to the routes listed above, numerous smaller boundary adjustments are warranted to provide vehicle access to existing parking areas at trail heads, as indicated in my 10-page critique of 2/10/93. These refinements to the legislation are widely supported by volunteer trip leaders who have extensive personal knowledge of the California desert.

Despite obvious misapplications of the 1964 Wilderness Act, during two days of lobbying in Washington DC in early May, I learned that propects are poor for refinement of the California wilderness legislation:

* The two California Senators and their staff have minimal personal knowledge of the California desert, yet have ignored recommendations on wilderness boundary changes that would facilitate wilderness visitation.

* At the Senate committee hearings of late April, Interior Secretary Babbitt abdicated his responsibility to convey to Congress the recommendations of both BLM and NPS professional staff regarding wilderness boundaries.

* Senators from other states are concerned about general policy issues in the California legislation, but not wilderness boundary locations; for reasons of protocol, senators of either party affiliation will not challenge proposed boundary locations, no matter how irrational.

* The House sponsors hope to rubber-stamp the Senate's final product without change, to avoid a House-Senate conference.

Who, then, will provide quality control to the definition of wilderness boundaries in the California Desert Protection Act? Members of Congress, please consider and raise this question during committee hearings and mark-up sessions on this legislation.

To confirm the value of existing vehicle routes for wilderness visitation, please contact the following environmental leaders and authorities on the California desert, with the understanding that each individual may be knowledgeable about only one or several of the routes listed above.

Greg Davis	213-740-6726	Professor of Geology at USC, specializing on Mojave Desert geology
Mary DeDecker	619-878-2389	Foremost authority on rare plants of the northern desert; ex-member of the BLM Desert District Advisory Council
Alan Romspert	714-449-7034	Desert botanist; contributor to East Mojave Heritage Trail Guide
Alan Schoenherr	714-494-0675	Professor of Ecology; author of A Natural History of California
Jon Stewart	619-346-5694	Desert botanical garden curator; environmental leader in Coachella Valley
Clifford Walker	619-256-5570	Desert historian; author of Back Door to California: The Story of the Mojave River Trail

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

WILLIAM T. ARCHEY
SENIOR VICE PRESIDENT, POLICY
AND CONGRESSIONAL AFFAIRS

1615 H STREET, N. W.
WASHINGTON, D. C. 20062-2000
202/463-5417

June 22, 1993

The Honorable Bruce F. Vento
Chairman
Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Chairman Vento:

The U.S. Chamber of Commerce Federation of state and local chambers of commerce, businesses, and associations appreciates this opportunity to present its views on H.R. 518, "The California Desert Protection Act." The Chamber Federation has identified sustainable use of the nation's natural resources as a National Business Agenda priority item. Primary resource industries, such as oil and gas extraction, agriculture, silviculture, and mining account for at least 20 percent of U.S. Gross Domestic Product, involve millions of jobs, and their economic performance has powerful ripple effects on all other sectors of the economy.

The Chamber Federation believes that H.R. 518 will cause significant harm to various interests in the California desert. This letter summarizes the flaws and their economic impacts and outlines possible alternative approaches for the protection of this natural resource.

Summary

H.R. 518 will affect the profitability of thousands of businesses in the desert region as well as put in jeopardy the jobs of their employees. A great deal of the prosperity of these five counties is dependent upon the chain of businesses that supplies or depends upon the mining, ranching, hunting and recreation firms that operate in the California desert.

H.R. 518 would lock up nearly eight million acres of the California Desert Conservation Area by:

- designating 73 Bureau of Land Management (BLM) Wilderness Areas covering 4.0 million acres

- designating additional national park wilderness areas for the newly designated and expanded Death Valley National Park (3.18 million acres), Joshua Tree National Park (131,800 acres), and East Mojave National Monument (695,000 acres)

This legislation is being debated despite the fact that nearly six million acres included in the wilderness designations of H.R. 518 have not been recommended for designation by BLM because either the lands do not meet wilderness criteria or the areas are already receiving special protection under their current land classification.

Economic Impacts

The California desert sustains large mining, cattle, and recreation industries which provide the economic base for most of the desert region. The designation of such a large portion of the desert as wilderness and the expansion and creation of National Parks threaten to destroy the economic base of the region.

The California desert produces 34 mineral commodities worth an estimated $1.75 billion annually. To meet the future demand for key minerals in this country, exploration of the desert must be allowed to continue. Less than a 30-year life is expected on about 60 percent of current mining reserves in the desert region, with most remaining mines depleted after 50 years. With exploration prohibited on the newly designated wilderness and national park lands, the mining industry will be forced to leave the desert region.

The mining industry directly employs 16,640 persons in the desert counties, and 19,630 people in southern California. Each $1 million in mineral production supports 15 jobs in the region. For every $1 million of mineral production lost, $335,000 in annual income and $29,000 in annual local tax revenue would disappear.

If H.R. 518 is enacted, ranchers will lose more than $4 million due to the loss in range cattle and sheep production. The recreation industry will lose more than $90 million from lost recreational vehicle sales, service, travel expenditures, and registration fees.

For all sectors of southern California, 20,354 jobs, $2 billion in annual GDP, $63 million in annual state tax revenue, $39 million in annual local tax revenue, and $450 million in annual wages would be lost. Most of the jobs lost will be in high unemployment desert counties with few employment alternatives.

The East Mojave

In 1990, the Bureau of Mines identified $7.7 billion of mineral resources and 701 mines and prospects in the East Mojave. The value of metallic resources (such as gold, iron, silver, molybdenum, and tungsten) was estimated to be $4.6 billion; the value of non-metallic resources (such as talc, clay, and fluorite), $3.1 billion. The uniqueness of these resources, plus their proximity to metropolitan areas and transportation systems, make these deposits far too valuable to be locked up. The study concluded that San Bernardino County would lose $2 billion in cumulative mining revenues, 2,300 jobs, and $620 million in personal earnings, property, sales taxes, and permit fees if a bill such as H.R. 518 is enacted.

H.R. 518 Will Increase the Federal Deficit

Wilderness and land management, land acquisitions, and land exchanges cost the government millions of dollars. Approximately 600,000 acres of private property must be bought by the government if H.R. 518 is enacted; the BLM has estimated it may cost more than $600 million to implement the bill. This cost would have to be absorbed at a time when there already exists a $2.2 billion operations and maintenance backlog within the existing national parks structure. If the nation's most important goals are deficit reduction and promoting long-term economic growth, the cost of implementing this bill cannot be justified. California is battling a severe recession and has the second highest unemployment rate in the nation. Neither California nor the federal government can afford this bill.

An Alternative Approach - A Desert Plan Already Exists

The Federal Land Policy Management Act of 1976 (FLPMA) directed the BLM to develop a plan to manage the California Desert Conservation Area under a multiple-use concept. While developing this plan, the BLM conducted more than 100 public hearings, completed 16 environmental impact studies, and considered more than 40,000 public comments. The desert plan recommended protecting 700,000 acres as areas of critical environmental concern and 5.5 million acres as wilderness study areas (2.3 million of these acres were recommended as suitable for wilderness). This plan was approved by both the Carter and Bush Administrations. The BLM desert conservation plan strikes a proper balance between wilderness and natural resource values in the region.

Representative Jerry Lewis' bill, H.R. 2379, maintains the intent of FLPMA by recognizing the need to designate certain lands as wilderness areas while opening up non-wilderness areas to other resource uses.

The Chamber appreciates this opportunity to present its views on H.R. 518 and requests that a copy of this letter be included in the hearing record.

Sincerely,

Bill Archey

William T. Archey

Joshua Tree Chamber of Commerce
P.O. Box 600
Joshua Tree, CA 92252
Phone: (619) 366-3723

RESOLUTION NO. 93-01

A RESOLUTION OF THE JOSHUA TREE CHAMBER OF COMMERCE IN OPPOSITION TO SENATE BILL 21 (FEINSTEIN) AND HOUSE RESOLUTION 518 (LEHMAN), THE "CALIFORNIA DESERT PROTECTION ACT OF 1993".

WHEREAS, Senate Bill 21 as introduced by Senator Feinstein, and House Resolution 518 as introduced by Congressman Lehman, would lock up over 8.5 million acres of federal, state and private lands in the California Desert from future use, by declaring them to be areas of permanent wilderness; and

WHEREAS, S. 21 and HR 518 would end the multiple use policy currently being efficiently managed by the U.S. Bureau of Land Management in the public interest, conducting an annual review process, including an annual EIS; and

WHEREAS, S. 21 and HR 518 would negate the findings of over 100 public hearings, volumes of written public comment, 16 objective environmental impact studies and millions of taxpayer dollars having been expended to create a fair and balanced management plan under the Congressionally Mandated California Desert Conservation Area Act, which was approved by the Carter administration and reaffirmed by the Bush administration; and

WHEREAS, S. 21 and HR 518 would impose severe negative economic impacts to the State of California, County of San Bernardino, other mountain / desert counties and cities, through the loss of jobs, property and sales taxes, and other revenue associated with the mining, cattle, recreation and tourism industries; and

WHEREAS, S. 21 and HR 518 would, according to the U.S. Bureau of Mines, result in the County of San Bernardino losing an estimated $2 billion in cumulative mine revenues over 20 years and $620 million in personal earnings, taxes and fees; and

WHEREAS, the implementation costs of S. 21 and HR 518 would add an estimated $610 million to the federal deficit at a time when the national debt is $4.25 trillion; and

WHEREAS, S. 21 and HR 518 contain detrimental exclusions of water rights without regard to present and future, regional and local, human and environmental needs; and

WHEREAS, S. 21 and HR 518 would reduce, and within 10 years eliminate, the ability to mine current claims and to explore new areas that provide minerals and ' rare earths ' that are essential to national defense and medical research which can only be found in the California Desert; and

WHEREAS, the proponents and authors of S.21 and HR 518 have not conducted field hearings in the California Desert areas directly affected by this legislation, have not consulted with local government officials, nor met with local residents who face the loss of their jobs and homes; and

WHEREAS, the sponsors and proponents of S. 21 and HR 518 by virtue of denying the public the opportunity to be heard, severely limits the ability and the constitutional rights of American citizens to participate in the governmental process, and to express their concerns about the management of public lands; and

WHEREAS, the authors and proponents of S. 21 and HR 518 have not taken into consideration the overwhelming opposition from state, county and city officials, and more importantly, the objections of the public.

NOW, THEREFORE BE IT RESOLVED THAT: The Joshua Tree Chamber of Commerce is opposed to Senate Bill 21 and House Resolution 518 or any other legislation that would further destroy the economy, current and future job base, and locks the public out of public land that is rightfully theirs to enjoy under the current California Desert Conservation Area Act.

APPROVED AND ADOPTED by the Joshua Tree Chamber of Commerce this 12th day of March, 1993.

Carole L. Bergin

Carole L. Bergin - President

Associated Chambers of Commerce in the Morongo Basin
Economic Development Committee
Post Office Box 414
Joshua Tree, CA 92252
(800) 533-7104

RESOLUTION NO. 93-01

A RESOLUTION OF THE MORONGO BASIN ECONOMIC DEVELOPMENT COMMITTEE IN OPPOSITION TO SENATE BILL 21 (FEINSTEIN) AND HOUSE RESOLUTION 518 (LEHMAN), THE "CALIFORNIA DESERT PROTECTION ACT OF 1993".

WHEREAS, Senate Bill 21 as introduced by Senator Feinstein, and House Resolution 518 as introduced by Congressman Lehman, would lock up over 8.5 million acres of federal, state and private lands in the California Desert from future use, by declaring them to be areas of permanent wilderness; and

WHEREAS, SB 21 and HR 518 would end the multiple use policy currently being efficiently managed by the U.S. Bureau of Land Management in the public interest, and

WHEREAS, SB 21 and HR 518 would impose severe negative economic impacts to the State of California, County of San Bernardino, other mountain / desert counties and cities, through the loss of jobs, property and sales taxes, and other revenue associated with the mining, cattle, recreation and tourism industries; and

WHEREAS, SB 21 and HR 518 would, according to the U.S. Bureau of Mines, result in the County of San Bernardino losing an estimated $2 billion in cumulative mine revenues over 20 years and $620 million in personal earnings, taxes and fees; and

WHEREAS, the implementation costs of SB 21 and HR 518 would add an estimated $610 million to the federal deficit at a time when the national debt is $4.25 trillion, and

WHEREAS, SB 21 and HR 518 contain detrimental exclusions of water rights without regard to present and future, regional and local, human and environmental needs; and

WHEREAS, SB 21 and HR 518 would reduce, and within 10 years eliminate, the ability to mine current claims and to explore new areas that provide minerals and ' rare earths ' that are essential to national defense and medical research which can only be found in the California Desert; and

WHEREAS, the proponents and authors of SB21 and HR 518 have not conducted field hearings in the California Desert areas directly affected by this legislation, have not consulted with local government officials, nor met with local residents who face the loss of their jobs and homes, and

WHEREAS, the sponsors and proponents of SB 21 and HR 518 by virtue of denying the public the opportunity to be heard, severely limits the ability and the constitutional rights of American citizens to participate in the governmental process, and to express their concerns about the management of public lands; and

WHEREAS, SB 21 and HR 518 would negate the findings of over 100 public hearings, volumes of written public comment, 16 objective environmental impact studies and millions of taxpayer dollars having been expended to create a fair and balanced management plan under the Congressionally Mandated California Desert Conservation Area Act; and

WHEREAS, the authors and proponents of SB 21 and HR 518 have not taken into consideration the overwhelming opposition from state, county and city officials, and more importantly, the objections of the public at large.

NOW, THEREFORE BE IT RESOLVED THAT. The Morongo Basin Economic Development Committee is opposed to Senate Bill 21 and House Resolution 518 or any other legislation that would further destroy the economy, current and future job base, and locks the public out of public land that is rightfully theirs to enjoy under the current California Desert Conservation Area Act.

APPROVED AND ADOPTED by the Morongo Basin Economic Development Committee this 12th day of March, 1993.

Bob Burke

Bob Burke - Chairman

INTERNATIONAL INSTITUTE OF AMERICA
2242 ANGELA COURT, APT. NO. 19
CAMPBELL, CALIFORNIA 95008
TELEPHONES: (408) 371-3247 (HOME)
(408) 562-2033 (WORK)

June 23, 1993

National Parks, Forests and Public Lands Commitee
The Honorable Bruce Vento, Chairman
House Annex I, Room 812
Washington, D.C. 20515

Reference: Desert Lockout Bill HR518
Eastern Mojave Property
Cima, California 92323

I, **Paul Herrera**, and the **East Mojave Property Owners Assocation**, enunciate disapproval for the **East Mojave Desert Lockout Bill HR518**, that is being introduced legislatively, but which had not been communicated to us. We vigorously request that you acknowledge and accept our demand to stop the above-stated legislation.

Our plans have taken years of preparation in laying the foundation for a future church (Christ in Ministry Assembly), an international school (International Institute of America), and an open home for homeless children and adults.

The **Parcel #567-051-20** in Cima, California is a gift from *God*, and is to be our children's and their children's heritage. We have invested infinite physical and *spiritual* energy.

In closing, we urge you to respect the diligent work we have begun, and to honor the privileges that property ownership has entitled us. As a citizen of our **United States of America**, it is crucial that we communicate to you our democratic voices of disapproval of your intentions and actions in this **East Mojave Desert Lockout Bills HR51 and HR52**. Additionally, a timely legislative response, as well as a written response, are requested.

I request this objection to be read into the official minutes of the hearing on June 15, 1993, concerning House Bill HR518.

Thank you for your time and careful attention in considering this important matter.

Very respectively,

Mr. Paul Herrera

CRYSTAL CAVE MINING COMPANY
402 1/2 Palos Verdes Blvd.
Redondo Beach, CA. 90277
(310) 373-8291

* Please include this letter in the official records

June 10, 1993

National Parks, Forests and Public Lands Committee
The Honorable Bruce Vento, Chairman
House Annex 1, Room 812
Washington, D.C. 20515

Dear Sir:

We respectfully request your consideration to oppose the House Bill HR518.

We have been engaged in the mining and development of the East Mojave area since 1934. Our interest and efforts in the development of its resources and the protection of the natural environment has always been in place.

We of course will respect and enforce any decision that may evolve. Limiting freedom of action and commercial development cannot be in the best interest of those striving to create commercial activity.

Yours truly,

Gordon Wallace
GORDON H. WALLACE
Crystal Cave Development /Mining Co.

ARNOLD N. APPLEBAUM

14849 Firestone Boulevard P.O. Box 577 La Mirada, CA 90637-0577 TEL: (714) 522-7053 FAX: (714) 522-7018

June 12, 1993

National Parks, Forests and
Public Lands Committee
The Honorable Bruce Vento, Chairman
House Annex 1, Room 812
Washington D.C. 20515

Re: California Desert Protection Act
House Bill HR 518

Dear Honorable Chairman Vento:

As a land owner of over 1,000 acres in the East Mojave Desert, I strongly oppose the passage of HR 518.

Myself and other land owners in the area oppose the California Desert Protection Act as it's function seems to (1) transfer the regulation and authority of the land from the BLM to the National Parks Service so more parks and wilderness areas can be designated and regulated needlessly; (2) spend millions of dollars taking away the freedom of the people to use these lands; and (3) prevent private homeowners from building, expanding and using their land as they wish to, in addition to the fact that these private homeowners may have to sell their lands at way below market values to a government entity who has no funds with which to purchase them. (Or would the government exercise Public Domain and confiscate our property?)

It would seem that since these lands are not really used that much, our government's focus is misdirected. Additionally, since California particularly is in an economic depression, it would be unwise for the government to spend millions of dollars in the middle of the desert when these funds can surely be put to better uses in our State; i.e., creating more jobs for the unemployed.

I realize the environment is important to us all, but we have major problems in our cities with smog and hazardous waste issues that should be addressed -- not desert land in a highly unpopulated area that is basically doing fine on its own. "If it ain't broke; don't fix it." We believe this area is not broken.

I therefore urge you to reconsider your position on House Bill 518 and the entire California Desert Protection Act and prohibit its passage in the House.

Thank you.

Arnold N. Applebaum

ANA/cdp

cc: The Honorable Jerry Lewis
House of Representatives
Washington D.C.

Public Lands, national parks and Forests
The Honorable Dale Bumpers, Chairman
United States Senate
Washington D.C. 20510

East Mojave Property Owners Association
P.O. Box 103
Cima, Calif. 92323

Kathleen Honeycutt
California Assemblywoman, 34th District
P.O. Box 942849
Sacramento, Calif. 94249-0001

Dianne Feinstein
United States Senator
United States Senate
Washington, DC 20510-0504

Barbara Boxer
United States Senator
United States Senate
Washington, DC 20510-0504

property\desert.pro

HR 518 DESERT PROTECTION ACT HEARINGS - JUNE 15, 1993

WRITTEN TESTIMONY - TO BE READ INTO THE RECORD.

MR. and MRS. VIRGIL A. JORDON
9208 9th Avenue
Hesperia, CA 92345

The Honorable Bruce Bento, Chairman
Subcommittee on Public Lands, National Parks and Forests
A 812 O'Neill, H.O.R.
Washington D.C. 20515

Dear Senator Bento,

I am writing to you because I oppose HR 518.

I am an avid naturalist and dedicated rockhound who enjoys the desert with my family.

HR 518 is too restrictive, closing vast areas of California desert to recreation and hobbies such as gem and mineral collecting. Of the presently available 9.7 million acres, 8.3 million acres would be set aside, leaving only 1.4 million acres open for public use. That 8.3 million acres effectively closes off eighty-five percent of public lands now available. In addition to this, 14.7 million acres are already tied up in military property, cities, industry, communities, homes, State parks and Death Valley and Joshua Tree National Monuments.

I have been exploring the California desert with fellow rockhounds for over forty-five years, always following dirt roads, enjoying the ever changing scenes that the desert has to offer. Establishing a National Park in the desert would eliminate presently open areas, resulting in many of the desert scenes being lost to exploration, mining, education and human view.

I would like to request that the subcommittee convene in the southern California desert area and hold hearings to gain knowledge on how HR 518 would affect the entire region before finalizing its recommendations to Congress.

Without hearings here in southern California, the constitutional phrase, "Government of the people, by the people," would prove to be meaningless and oppressive.

I urge you to oppose HR 518 in its present form.

Thank you for this opportunity to express my views.

Sincerely,

Virgil A Jordon

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